

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.¹**SUPPLEMENT.**

N. J. 3501-3550.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3501. Adulteration and misbranding of so-called soluble orange extract and oil of cassia, and alleged adulteration and misbranding of extract of anise. U. S. v. Warner-Jenkinson Co. Plea of guilty as to charges relating to so-called soluble orange extract and oil of cassia. First and second counts of information, charging adulteration and misbranding of extract of anise, dismissed. (F. & D. No. 4448. I. S. Nos. 16560-d, 16566-d, 16577-d.)

On December 11, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, in six counts, against the Warner-Jenkinson Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 8, 1912, from the State of Missouri into the State of Tennessee:

(1) Of a quantity of so-called extract of anise which was alleged to have been adulterated and misbranded. This product was labeled: "Ext. of Anise From Warner-Jenkinson Co., St. Louis, Mo."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Oil (grams per 100 cc).....	0. 20
Alcohol (per cent by volume).....	43. 7
Methyl alcohol: None.	

Adulteration of this product was alleged in the first count of the information for the reason that a dilute alcohol, containing only a trace of anise oil, had been mixed

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and packed with said product in such a manner as to reduce and lower and injuriously affect its quality and strength, and, further, in that a substance, to wit, dilute alcohol, containing only a trace of anise oil, had been substituted wholly or in large part for the genuine article, that is to say, anise extract, said anise extract, as understood by the trade and public generally, being the flavoring extract prepared from the oil of anise and containing not less than 3 per cent by volume of oil of anise, and said product contained materially less than 3 per cent by volume of oil of anise.

Misbranding was alleged in the second count of the information for the reason that extract of anise, as understood by the trade and the public generally, is the flavoring extract prepared from oil of anise and contains not less than 3 per cent by volume of oil of anise, and the statement "Ext. of Anise" borne on the label was false and misleading, because it created the impression that said product was a genuine extract of anise, conforming to the standard for such articles, when, in truth and in fact, said product was a dilute alcohol, containing only a trace of oil of anise, and, further, in that the product was labeled and branded as aforesaid so as to deceive and mislead the purchaser, being labeled "Ext. of Anise," thereby purporting that it was genuine extract of anise, conforming to said standard for such article and product, when, in truth and in fact, it was dilute alcohol, containing only a small trace of anise oil and a materially less amount than 3 per cent by volume.

(2) Of a quantity of so-called soluble orange extract which was adulterated and misbranded. This product was labeled: "Soluble Orange Extract" (In smaller type) "Artificial Color added—Directions * * * Guaranteed by the manufacturer, under Food and Drugs Act of June 30th, 1906. Serial No. 2008. From Warner-Jenkinson Co. St. Louis, Mo."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Alcohol (per cent).....	40.3
Methyl alcohol: None.	
Color: Orange I.	
Oil (by precipitation): None.	
Oil (by polarization): None.	
Citral (Hiltner) (per cent).....	0.02

Adulteration of the product was alleged in the third count of the information for the reason that a substance, to wit, a dilute solution of alcohol, containing only traces, if any, of soluble material from orange oil, had been mixed and packed with it in such a manner as to reduce and lower and injuriously affect its quality and strength, and, further, in that a substance, to wit, a dilute solution of alcohol, containing only traces, if any, of soluble material from orange oil, had been substituted wholly or in large part for the genuine article, and, further, in that said product was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in the fourth count of the information for the reason that the statement "Soluble Orange Extract," borne on the label as aforesaid, was false and misleading, because it misled and deceived the purchaser into believing that said product was a soluble orange extract, when, as a matter of fact, it was a dilute solution of alcohol, artificially colored, containing only traces, if any, of soluble material from orange oil; and said product was further misbranded within the meaning of said act in that it was labeled and branded so as to mislead and deceive the purchaser, being labeled "Soluble Orange Extract," when, in truth and in fact, said product was a dilute solution of alcohol, artificially colored, containing only traces, if any, of soluble material from orange oil.

(3) Of a quantity of so-called oil of cassia which was adulterated and misbranded. This product was labeled: "Oil of Cassia (L G) Warner-Jenkinson Co., St. Louis, Mo."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Specific gravity at 25° C.....	1.063
Refractive index at 20° C.....	1.5996
Optical rotation, 100 mm, 20° C. (degrees).....	+4.16
Slightly cloudy with 2 volumes of 70 per cent alcohol.	
Lead: Present.	
Rosin: Present. (Lead acetate test positive; copper acetate test positive.)	
Cinnamic aldehyde (by absorption) (per cent).....	76.0
Oil is not U. S. P. Contains lead and rosin.	

Adulteration of the product was alleged in the fifth count of the information for the reason that it was sold and shipped under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and of investigation, in that said Pharmacopœia specifies that oil of cassia is a volatile oil, distilled from Cassia Cinnamon, yielding, when assayed by the process given in said Pharmacopœia, not less than 75 per cent by volume of cinnamic aldehyde; that its specific gravity should be from 1.045 to 1.055 at 25° C.; that it should be optically almost negative [inactive] and that it should be free from lead and rosin; whereas said product when so sold and shipped had a specific gravity at 25° C. of 1.063[6]; refractive index [at] 20° C., 1.5996; rotation at 20° C., 4.16 degrees; cinnamic aldehyde by absorption, 76 degrees [per cent]; and contained lead and rosin; and its own standard of strength, quality, and purity was not stated on said bottle in which it was offered for sale and shipped.

Misbranding was alleged in the sixth count of the information for the reason that said statement "Oil of Cassia," so borne on the label as aforesaid, was false and misleading, because it misled and deceived the purchaser into the belief that the product was pure oil of cassia, when, in truth and in fact, it was an oil of cassia high in specific gravity and rotation, and contained lead and rosin.

On September 18, 1914, pleas of guilty were entered by the defendant corporation as to the third, fourth, fifth, and sixth counts of the information, charging adulteration and misbranding of the soluble orange extract and oil of cassia, and the court imposed a fine of \$40. The first and second counts of the information, charging adulteration and misbranding of extract of anise, were dismissed.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *December 31, 1914.*