

4165. Adulteration and misbranding of "Superfine Fruit Flavor Raspberry." U. S. v. Magnus & Lauer, Inc. Plea of guilty. Fine, \$50. (F. & D. No. 6263. I. S. No. 1297-h.)

On May 19, 1915, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Magnus & Lauer (Inc.), a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 18, 1913, from the State of California into the State of Idaho, of a quantity of so-called "Superfine Fruit Flavor Raspberry" which was adulterated and misbranded. The article was labeled; (On bottle) "Magnus & Lauer (Trade Mark) M & L Extracts Vanilla Beans Essential Oils Fruits Fruit Juices. Fruit Syrups Superfine Fruit Flavor Raspberry Imitation (Harmless Color Added) 139-141 Fremont St. San Francisco, Cal. Guaranteed by Magnus & Lauer, Inc. Under the Food and Drugs Act June 30, 1906, Serial Number 25454."

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

Alcohol (per cent by volume)-----	51.28
Methyl alcohol: None.	
Esters as ethyl acetate (grams per 100 cc)-----	2.40
Color as caramel (by Marsh test): Present.	
Organoleptic test indicates artificial flavor.	

This product consists largely, if not entirely, of an imitation raspberry flavor, composed of dilute alcohol flavored with esters and colored with caramel.

Adulteration of the article was alleged in the information for the reason that an imitation raspberry extract had been mixed and packed with the article so as to lower or reduce or injuriously affect its quality and strength, and for the further reason that an imitation raspberry extract had been substituted wholly or in part for superfine fruit flavor raspberry, which the article purported to be, and for the further reason that said article was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, to wit, in prominent type "Superfine Fruit Flavor Raspberry," not corrected by the word "Imitation," following in inconspicuous type, was false and misleading in that it purported and represented said article to be a superfine fruit flavor raspberry, whereas, in truth and in fact, it was not a superfine fruit flavor raspberry, but was an imitation raspberry extract, artificially colored and flavored. Misbranding was alleged for the further reason that the article was labeled "Superfine Fruit Flavor Raspberry," in prominent type, followed by the word "Imitation," in inconspicuous type, so as to deceive and mislead the purchaser into the belief that it was a superfine fruit flavor raspberry, whereas, in truth and in fact, it was not a superfine fruit flavor raspberry, but was an imitation raspberry extract, artificially colored and flavored.

On June 1, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*