

4723. Adulteration and misbranding of vanilla extract. U. S. * * * v. E. B. Gallagher & Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7179. I. S. No. 20419-h.)

On March 24, 1916, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. B. Gallagher & Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 11, 1914, from the State of Michigan into the State of Ohio, of a quantity of vanilla extract which was adulterated and misbranded. The article was labeled: (On retail package) "Galco Brand Confectioners' 'B' Vanilla Extract. Made From Pure Vanilla Beans. Contains 33% Alcohol. Guaranteed by E. B. Gallagher & Co. under the Food & Drugs Act, June 30, 1906. Serial No. 2280. E. B. Gallagher & Co. Detroit and Toledo."

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

Vanillin (gram per 100 cc)-----	0.06
Resins-----	Small amount.
Lead number-----	0.35
Color value of extract:	
Red-----	10.0
Yellow-----	42.3
Color value of lead filtrate:	
Red-----	0.6
Yellow-----	3.1
Percentage of original color in lead filtrate:	
Red-----	6.0
Yellow-----	7.3
Alcohol (per cent by volume)-----	33.60
Acidity (cc N/10 acid per 100 cc)-----	25
Ash (gram per 100 cc)-----	0.25
Soluble ash (gram per 100 cc)-----	0.19
Insoluble ash (gram per 100 cc)-----	0.06
Alkalinity of soluble ash (cc N/10 acid per 100 cc)-----	19
A dilute vanilla preparation.	

Adulteration of the article was alleged in the information for the reason that a dilute vanilla preparation had been substituted, in whole or in part, for vanilla extract which the article purported to be.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Vanilla Extract," was false and misleading in that it indicated to purchasers thereof that the article consisted of genuine vanilla extract; and for the further reason that it was labeled "Vanilla Extract," so as to deceive and mislead purchasers into the belief that it consisted of genuine vanilla extract, when, in truth and in fact, it did not, but did consist of, to wit, a dilute vanilla preparation. Misbranding was alleged for the further reason that the article was a dilute vanilla preparation and was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, vanilla extract.

On May 15, 1916, 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.*