

The case grew out of the following state of facts:

On or about May 14, 1908, an inspector of the Department of Agriculture found in a freight car in the District of Columbia 240 sacks, more or less, of flour consigned and shipped by the Orrville Milling Company, of Orrville, Ohio, to the Orrville Milling Company, Washington, D. C., F. G. Swain & Son, Washington, D. C., to be notified. The sacks of flour were labeled and branded "Paragon Minnesota Cream Roller Process;" whereas, in fact, the flour was neither grown nor manufactured in the State of Minnesota, and was not a product of the cream roller process, but was a flour manufactured at Orrville, Ohio, from wheat grown in the State of Ohio, and commonly known as "Ohio winter wheat."

On May 14, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the District of Columbia, and libel for seizure and condemnation was duly filed with the supreme court of the District of Columbia under section 10 of the act. The claimant having failed to answer or show reason against seizure and confiscation by the United States for the causes stated in the libel, the court adjudged the flour misbranded, and upon the filing of a good and sufficient bond in accordance with section 10 of the act and under the provisions of the decree hereinbefore set forth, the goods were duly surrendered to the said claimant.

H. W. WILEY,

F. L. DUNLAP,

Board of Food and Drug Inspection.

Approved:

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., August 27, 1908.

(N. J. 14.)

MISBRANDING OF VANILLA EXTRACT.

(Imitation colored with caramel.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 7th day of July, 1908, in the district court of the United States for the western division of the southern district of Ohio, in a criminal prosecution by the United States against Edwin A. Steinbock and Proctor D. Patrick, trading under the firm name of Steinbock & Patrick, for

violation of section 2 of the aforesaid act in shipping and delivering for shipment from Ohio to Indiana of an adulterated and misbranded vanilla extract, the said Edwin A. Steinbock and Proctor D. Patrick entered pleas of guilty, whereupon the court imposed upon each of them a fine of \$5.

The following is a statement of facts upon which the case was based:

On August 22, 1907, an inspector of the Department of Agriculture purchased from A. R. Norris, Terre Haute, Ind., a sample of a food product labeled "Steinbock & Patrick's Marvel Extract of Vanilla, 2 oz." The sample was subjected to analysis in the Bureau of Chemistry and the following result obtained and stated:

Coumarin (per cent)	0.032
Vanillin (per cent)	0.07
Resins	Very slight.
Coal-tar dye	None.
Caramel	Present.
Weight found (grams)	53.5
Weight should be (grams)	56.5

In "Standards of Purity for Food Products," established under authority of the act of March 3, 1903, and published as Circular 19, Office of the Secretary, U. S. Department of Agriculture, vanilla extract is defined as follows:

Vanilla extract is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

It was evident that the product was both adulterated and misbranded; adulterated because it purported to be an extract of vanilla when, in fact, some other substances, coumarin and vanillin, had been substituted for vanilla extract. The article was, therefore, a mere imitation colored with caramel to resemble real vanilla extract, thereby concealing inferiority and deceiving the public. It was misbranded for the reason that it was labeled "Extract of Vanilla," when in fact it was an imitation of that article, having in it no extract of vanilla bean, and was colored with caramel to impart the color of the pure extract. It was further misbranded because of the label on the carton, which declared the quantity to be 2 ounces, whereas the bottle contained 3.1 grams below the quantity required to make a full 2 ounces.

The Secretary of Agriculture having, on June 25, 1908, afforded the manufacturers an opportunity to show any fault or error in the aforesaid analysis, and they having failed to do so, the facts were duly reported to the Attorney-General and the case referred to the United States attorney for the southern district of Ohio, who filed an

information against the said Steinbock and Patrick, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
Board of Food and Drug Inspection.

Approved:

W. M. HAYS,
Acting Secretary of Agriculture.
WASHINGTON, D. C., August 27, 1908.

(N. J. 15.)

ADULTERATION AND MISBRANDING OF WHISKEY.

(Neutral spirits artificially colored.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 7th day of July, 1908, in the district court of the United States for the western district of New York, in a proceeding of libel for condemnation of an adulterated and misbranded liquor, that is to say, 88 cases labeled and branded "Canadian Whiskey, Gooderham & Worts," wherein the United States was libelant and Daniel H. Person, William Person, and Frank P. Person, doing business under the firm name and style of C. Person's Sons, of Buffalo, N. Y., were claimants and defendants, the cause having come on for a hearing and the said claimants having failed to answer, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

United States District Court, Western District of New York.

THE UNITED STATES OF AMERICA, <i>Libelant,</i>	}	No. 79.
<i>vs.</i>		
93 CASES, CONTAINING 12 BOTTLES EACH, OF ALLEGED WHISKEY, AND DANIEL H. PERSON, WILLIAM PERSON, AND FRANK P. PERSON, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF C. PERSON'S SONS, <i>Defendants.</i>	}	

On motion of Lyman M. Bass, attorney of the United States in and for the western district of New York, and attorney for the libelant herein, and it appearing to the court that upon the libel filed herein on June 3rd, 1908, monitions were issued and the above-named defendants were cited to appear on June 30, 1908, and that a warrant of arrest was duly issued and served on June 4th, 1908, and that by virtue of the said warrant the marshal has seized eighty-eight cases, containing 12 bottles each, of alleged whiskey, the said eighty-eight cases, containing 12 bottles each, with contents, having been in the possession of Daniel H. Person, William Person, and Frank P. Person, doing business under the firm name and style of C. Person's Sons, and now being