

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 1212.

(Given pursuant to section 4 of the Food and Drugs Act.)

### MISBRANDING OF RASPBERRY EXTRACT AND STRAWBERRY EXTRACT.

At the July term of the District Court of the United States for the Northern District of California, the Grand Jury of the United States, within and for said district, acting upon a report of the Secretary of Agriculture, returned an indictment against Wellman, Peck & Co., a corporation of said district, charging shipment by it, on or about October 7, 1909, in violation of the Food and Drugs act of June 30, 1906, from the State of California into the State of Nevada, of a quantity of raspberry extract and strawberry extract which were misbranded. The products were labeled: (Raspberry extract) "Wellman Highest Quality Flavoring Extract Raspberry Flavor, Wellman-Peck & Co., Packers and Distributors, San Francisco, California." (Strawberry extract) "Wellman Highest Quality Flavoring Extract Strawberry. Wellman, Peck & Co., Packers and Distributors, San Francisco, California."

Analysis of a sample of each of said products made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

#### RASPBERRY EXTRACT.

Volatile acids as acetic (gram per 100 grams)-----	0. 03
Esters as ethyl acetate (gram per 100 grams)-----	. 70
Esters as ethyl butyrate (gram per 100 grams)-----	. 93
Total solids (per cent)-----	7. 64
Ash (per cent)-----	. 04
Alkalinity of ash (cc N/10 H <sub>2</sub> SO <sub>4</sub> per 100 grams)-----	3. 50
Phosphates in ash, present.	
Potash in ash, present.	
Sugar, none.	
Glycerin, present.	
Color, Amaranth.	

## STRAWBERRY EXTRACT.

Specific gravity 15.6° C/15.6° C.....	0.9610
Alcohol (per cent by volume).....	42.2
Solids, including glycerol (grams per 100 cc).....	9.20
Ash (grams per 100 cc).....	0.03
Esters as ethyl butyrate (grams per 100 cc).....	0.32

No strawberry extract present. Tests indicate presence of ethyl esters only; butyric ethyl ester apparently predominates.

Color; dark red.

Dye; reactions for Amaranth.

Misbranding was alleged against the raspberry extract for the reason that said product was represented to be the "highest quality flavoring extract of raspberry" when in fact it was not an extract of raspberry but an imitation thereof artificially colored, and said representation was therefore false and misleading. Misbranding was alleged against the strawberry extract because said product was represented to be the "highest quality flavoring extract strawberry" when in fact it was not extract of strawberry but an imitation thereof artificially colored, and said representation was therefore false and misleading.

On November 19, 1910, the defendant corporation entered a plea of guilty and was fined \$5.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *November 22, 1911.*

