

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2112.

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

ADULTERATION AND MISBRANDING OF EXTRACT OF NUTMEG.

On September 25, 1911, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the J. E. Fowler Co. (Inc.), Richmond, Va., alleging the sale by said company, under a written guaranty, on or about December 11, 1909, of a quantity of extract of nutmeg which was adulterated and misbranded in violation of the Food and Drugs Act. On December 11, 1909, the purchaser of said product, without changing it in any particular, shipped a quantity of it from the State of Virginia into the State of Mississippi. The product was labeled: "Fowler's Pure Triple Strength Extract Nutmeg. Prepared by The J. E. Fowler Company, Incorporated, Richmond, Virginia. Guaranty legend, Serial Nos. 4520 and 1209."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol, 45.7 per cent; solids, 0.33 per cent; oil of nutmeg, 0.16 per cent. Adulteration of the product was alleged in the information for the reason that a substance had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality and strength, and a substance had been substituted in part for the article, the product being a highly dilute extract containing 45.7 per cent of alcohol; solids, 0.33 per cent; and oil of nutmeg (grams per 100 cc), 0.16 per cent. Misbranding was alleged for the reason that the label and brand on the product regarding it, to wit, "Fowler's Pure Triple Strength Extract Nutmeg," was false and misleading in that the product was not of the standard strength and, therefore, not of triple-strength.

On July 5, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25, with costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 14, 1912.*