

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2146.

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

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### MISBRANDING OF PISTACHIO FLAVOR, ADULTERATION AND MISBRANDING OF PEPPERMINT FLAVOR, AND MISBRANDING OF VIOLET FLAVOR.

On June 29, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clarence Mihalovitch and Albert Mihalovitch, copartners doing business under the firm name of "American Products Co.," Cincinnati, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on December 13, 1911, from the State of Ohio into the State of Indiana—

(1) Of a quantity of "Pistachio Flavor" which was misbranded. The product was labeled: (On carton) "Zanol. Concentrated Non-Alcoholic Pure Food Flavors, Food colors, Pistachio Flavor, American Products Co. Originators, 103 E. Pearl St., Cincinnati, O. U. S. A. Guaranteed by American Products Co. \* \* \* Serial No. 22115A." (On tube) "Zanol. Concentrated Non-Alcoholic Food Flavors. Artificial Pistachio Flavor. Price 25 cts. Guaranteed by the American Products Co. Manufacturers, Cincinnati, O. U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Vanillin, present; gums, present; contains also oils resembling bitter almonds and neroli and orange. Misbranding of the product was alleged in the information for the reason that it was labeled and branded so as to deceive and mislead the purchasers thereof in that the label was calculated and intended to, and did, create the impression and belief in the mind of the purchaser thereof that the product was "Pistachio Flavor," whereas, in truth and in fact, it was not such, but was an imitation of "Pistachio Flavor." And further, the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein which said statement, to wit, "Pistachio Flavor," was false, misleading, and deceptive in that said statement purported and represented the product to be "Pistachio

Flavor," when in truth and in fact it was not such, but was an imitation of flavor of pistachio.

(2) Of a quantity of peppermint flavor which was adulterated and misbranded. The product was labeled: (On tube) "Zanol. Concentrated Non-Alcoholic Food Flavors. Peppermint Flavor, Price 25 cts. Guaranteed by the American Products Co. Serial No. 22115A. American Products Co., Manufacturers, Cincinnati, O. U. S. A. \* \* \*."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Oil of peppermint, trace; alcohol, none; gums, present. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a highly dilute alcoholic solution, containing practically none of the oil of peppermint, was mixed and packed as, for, and with the product purporting to be "Peppermint Flavor," so as to reduce, lower, and injuriously affect its quality and strength; and further, in that a certain other substance, to wit, a highly dilute alcoholic solution, containing practically none of the oil of peppermint, was substituted wholly for the product. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchasers thereof, in that the label and brand was calculated and intended to, and did, convey the impression and create the belief in the mind of the purchaser thereof that the product was "Peppermint Flavor," or extract, which conformed to the known and recognized standards of quality and strength established therefor; whereas, in truth and in fact it was not such standard and genuine peppermint flavor, but was a highly dilute alcoholic solution, containing practically none of the oil of peppermint. And further, the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein, which said statement, to wit, "Concentrated \* \* \* Peppermint Flavor," was false, misleading, and deceptive, in that said statement purported and represented the product to be genuine and standard peppermint flavor, or extract, which conformed to the known and recognized standards of quality and strength established therefor; whereas, in truth and in fact it was not such "Peppermint Flavor," but was a highly dilute alcoholic solution, containing practically none of the oil of peppermint.

(3) Of a quantity of "Violet Flavor" which was misbranded. The product was labeled: (On carton) "Zanol Concentrated Non-Alcoholic Pure Food Flavors, Food Colors, Violet Flavor. American Products Co. Originators. 103 E. Pearl St., Cincinnati, O. U. S. A. Guaranteed by American Products Co. \* \* \* Serial No. 22115A" (On tube) "Zanol Concentrated Non-Alcoholic Food Flavors, Artificial Violet Flavor. Price 25 cts. Guaranteed by the American

Products Co. \* \* \* Serial No. 22115A. American Products Co. Manufacturers, Cincinnati, O. U. S. A."

An examination of a sample of the product by the Bureau of Chemistry of this Department showed it to have been labeled "Artificial Violet Flavor" on the tube and "Violet Flavor" on the carton. Misbranding of the product was alleged in the information for the reason that it was labeled and branded as set forth above, so as to deceive and mislead the purchaser thereof, in that the label was calculated and intended to, and did, create the impression and belief in the mind of the purchaser that the product was "Violet Flavor," whereas, in truth and in fact, it was not so, but was an imitation flavor of violet. And further, the label and brand appearing on the carton containing the product bore a statement regarding it and the ingredients and substances contained therein, which said statement, to wit, "Violet Flavor," was false, misleading, and deceptive, in that said statement purported and represented the product to be "Violet Flavor," when in truth and in fact it was not violet flavor, but was an imitation flavor of violet.

On October 1, 1912, the defendants entered a plea of nolo contendere and the court imposed a fine of \$25, with costs of \$16.85.

WILLIS L. MOORE,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 26, 1912.*

