

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

### NOTICE OF JUDGMENT NO. 2242.

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

---

#### ADULTERATION AND MISBRANDING OF WINTERGREEN EXTRACT.

On November 8, 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 Emil I. Mayer, trading and doing business under and by the name of the Cincinnati Extract Works, Cincinnati, Ohio, alleging shipment by him, in violation of the Food and Drugs Act, on February 6, 1912, from the State of Ohio into the State of Tennessee of a quantity of wintergreen extract which was adulterated and misbranded. The product was labeled: "Wintergreen Extract—Artificial—The Cincinnati Extract Works Manufacturers Cincinnati, Ohio, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 47.00; oil of wintergreen (per cent by volume), 0.46; color corresponds to amaranth.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a dilute artificial wintergreen extract, was mixed and packed as, for, and with the product so as to reduce, lower, and injuriously affect its quality and strength, and in that said substance was substituted for genuine full strength wintergreen extract which the product by its label purported to be.

Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein, which said statement, to wit, "Wintergreen Extract," was false, misleading, and deceptive, in that it conveyed the impression that the product was full strength wintergreen extract conforming to the standard therefor, that is to

say, containing not less than 3 per cent by volume of the oil of wintergreen, whereas in fact it was a dilute wintergreen extract containing only 0.46 per cent of the oil of wintergreen. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the said label was calculated and intended to convey the impression and create the belief in the mind of the purchaser that it was full strength wintergreen extract, whereas in fact it was a dilute artificial wintergreen extract deficient in the percentage of the oil of wintergreen.

On November 16, 1912, defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25, with costs of \$14.55.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 23, 1913.*

2242

