

Issued April 30, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2244.

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

ADULTERATION AND MISBRANDING OF NUTMEG EXTRACT.

On November 16, 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 so-called nutmeg extract which was adulterated and misbranded. The product was labeled: "Nutmeg Extract Artificially Colored Cincinnati Extract Works, Cincinnati, Ohio."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity, 20/4° C., 0.9118; ethyl alcohol (per cent by volume), 57.4; methyl alcohol, absent; solids (per cent by weight), 0.06; coloring matter, inappreciable amount dry color behaves similar to Ponceau 3R; oil by precipitation (per cent by volume), 1.2.

Adulteration of the product was alleged in the information for the reason that another substance, to wit, a dilute extract of nutmeg, had been mixed and packed as, for, and with the product purporting to be genuine nutmeg extract so as to reduce, lower, and injuriously affect its quality and strength, and further in that a substance, to wit, a dilute extract of nutmeg, had been substituted for genuine full-strength nutmeg extract which the product by its label purported to be. Adulteration was alleged for the further reason that the product was colored artificially and in a manner whereby its inferiority was concealed.

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, "Nutmeg Extract," was false, misleading, and deceptive in that it purported and represented the product to be full-strength nutmeg extract, conforming to the standard therefor, that is to say, containing not less than 2 per cent by volume of the oil of nutmeg, whereas, in truth and in fact, it was not such genuine full-strength nutmeg extract, but was a dilute nutmeg extract, containing only 1.2 per cent of the oil of nutmeg. 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 label was calculated to convey the impression and create the belief that the product was full-strength nutmeg extract, whereas, in truth and in fact, it was not so, but was a dilute nutmeg extract, artificially colored and deficient in the percentage of the oil of nutmeg.

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 \$13.45.

W. M. HAYS,
Acting Secretary of Agriculture.

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

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