

Issued May 21, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2307.

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

ADULTERATION AND MISBRANDING OF SALAD DRESSING.

On July 6, 1912, the United States Attorney for the Eastern District of Missouri, 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 National Pickle & Canning Co., a corporation, St. Louis, Mo., alleging shipment by said company, on or about June 13, 1911, from the State of Missouri into the State of Colorado, of a quantity of salad dressing which was adulterated and misbranded. The product was labeled: "Extra quality. Absolutely Pure. Cupid Brand Trade Mark Salad Dressing Dodson-Braun Mfg. Co. St. Louis, Mo. Guaranteed under the Food and Drugs Act, June 30, 1906"; and in small type, "Preserved with 1/10 of 1% Sodium Benzoate to Prevent Fermentation."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Sodium benzoate, 0.21 per cent; color, artificial, coal tar, naphthol yellow S; turmeric, absent. Adulteration of this product was alleged in the information for the reason that it contained a quantity of sodium benzoate largely in excess of the amount indicated and stated on the label, to wit, 0.21 per cent sodium benzoate, and it also contained a coal-tar dye called naphthol yellow S, and was therefore adulterated in that it was colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the product was labeled "Salad Dressing" and no mention was made on the principal label of the presence of benzoate of soda, which form of label was misleading because it conveyed the impression and led the purchaser thereof to believe that the product was pure salad dressing, whereas, in truth

and in fact, it contained sodium benzoate, the presence of which substance was not declared upon the principal label on the product, and the presence of the sodium benzoate in the product was declared only in small type on a small sticker placed upon the container of the product; and the product was further misbranded in that the said small sticker stated that the product was "preserved with 1/10 of 1% sodium benzoate to prevent fermentation," which statement was false and misleading, in that the product contained 0.21 per cent of sodium benzoate, and the product was further misbranded in that the statement, "Preserved with 1/10 of 1% sodium benzoate to prevent fermentation," deceived and misled the purchaser into the belief that the product contained only one-tenth of 1 per cent of sodium benzoate, whereas it contained much more than the amount of sodium benzoate so stated, to wit, 0.21 per cent.

On November 25, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 4, 1913.*

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