

Mr. STEPHENSON. I ask your honor to charge that that last section which you have read does not apply to the article on which the word "compound" appears, if in fact the article is in imitation.

The COURT. That is true. Of course, it does not apply if the article is in imitation.

Mr. CABLIN. I except to that charge, and ask the court to define to the jury the difference between imitation and a compound.

(Denied.)

(Exception by defendant.)

The jury thereupon retired and, after due deliberation, returned into court with a verdict of guilty, and the court thereupon imposed a fine of \$100 in the case covered by the first two informations, and a fine of \$50 in the case covered by the last information referred to, and costs. Thereafter defendant brought a writ of error and took an appeal from this judgment to the Circuit Court of Appeals for the Second Circuit, in which court the case is now pending.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 15, 1914.

3335. Adulteration and misbranding of peppermint essence. U. S. v. Royal Chemical Works. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 3778. I. S. No. 17347-c.)

On August 4, 1913, the United States attorney for the Northern District of Illinois, 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 Royal Chemical Works, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on December 12, 1910, from the State of Illinois into the State of Wisconsin, of a quantity of so-called peppermint essence which was adulterated and misbranded. The product was labeled: (On shipping tag) "10 gals. pepp (yellow) See A. M. S. From Royal Chemical Works, 1245-1257 Garfield Ave., Chicago."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 15.6° C.....	0.9287
Alcohol (per cent by volume).....	52.96
Methyl alcohol: None.	
Solids (grams per 100 cc).....	0.06
Peppermint oil (per cent by volume).....	0.40
Color: Naphthol Yellow S.	

Adulteration of the product was alleged in the information for the reason that oil of peppermint in the quantity of not less than 3 per centum by volume is an essential ingredient of the article of food known as peppermint essence, whereas a certain dilute essence of peppermint containing not more than 0.4 of 1 per centum by volume of oil of peppermint had been mixed and packed with the article of food aforesaid in such a manner as to reduce and lower and injuriously affect the quality and strength of the article. Adulteration was alleged for the further reason that oil of peppermint in the quantity of not less than 3 per centum by volume is an essential ingredient of the article of food known as peppermint essence, whereas a certain dilute essence of peppermint containing not more than 0.4 of 1 per centum by volume of oil of peppermint had been substituted wholly or in part for the aforesaid essential quantity of oil of peppermint in the article of food. Adulteration was alleged for the further reason that the article of food aforesaid had been colored in a manner

whereby its inferiority was concealed. Misbranding of the product was alleged for the reason that said article was an imitation of another article of food, to wit, genuine peppermint essence, in that oil of peppermint in the quantity of not less than 3 per centum by volume is an essential ingredient of the article of food known as genuine peppermint essence, whereas the article of food aforesaid consisted of a certain dilute peppermint essence containing not more than 0.4 of 1 per centum by volume of oil of peppermint. Misbranding was alleged for the further reason that the article consisted of a certain dilute solution of peppermint essence containing not more than, to wit, 0.4 of 1 per centum by volume of oil of peppermint, and was offered for sale, invoiced, sold, and delivered under the distinctive name of another article of food, to wit, genuine peppermint essence.

On December 15, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 14, 1914.

3336. Adulteration and misbranding of peppermint and ginger extracts.

U. S. v. Adolph, Louis, and Walter F. Seidel (Royal Chemical Works). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 3816. I. S. Nos. 12958-d, 12959-d.)

On August 4, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolph Seidel, Louis Seidel, and Walter F. Seidel, copartners, doing business as the Royal Chemical Works, Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on November 28, 1911, from the State of Illinois into the State of Ohio, of quantities of peppermint extract and ginger extract, which were misbranded. Analysis of a sample of the peppermint extract by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 15.6° C.....	0.9476
Alcohol (per cent by volume).....	42.1
Methyl alcohol: None.	
Oil (per cent by volume by precipitation).....	0.8
Solids (grams per 100 cc).....	0.04
Organoleptic test: Peppermint flavor.	
Color: Naphthol Yellow S.	

Adulteration of the product was alleged in the information for the reason that oil of peppermint in the quantity of not less than 3 per centum by volume is an essential ingredient of the article of food known as peppermint extract, whereas a certain dilute extract of peppermint containing not more than 0.4 of 1 per centum by volume of oil of peppermint had been mixed and packed with the article of food aforesaid in such a manner as to reduce and lower and injuriously affect the quality and strength of the article of food aforesaid; and for the further reason that a certain dilute extract of peppermint containing not more than 0.4 of 1 per centum by volume of oil of peppermint had been substituted wholly and in part for the aforesaid essential quantity of oil of peppermint in the aforesaid article of food. Adulteration was alleged for the further reason that the article of food had been colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the article of food aforesaid was an imitation of another article of food, to