

**3351. Adulteration and misbranding of Jamaica ginger and peppermint extract. U. S. v. Victor Gautier & Co. Plea of guilty. Fine, \$15.**  
(F. & D. No. 5146. I. S. Nos. 36223-e, 36224-e.)

At the March, 1914, term of the District Court of the United States for the Southern District of New York the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against Victor Gautier & Co., a corporation, New York, N. Y., alleging the sale by the defendant on April 8, 1912, under a guaranty to the effect that the articles were not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906:

(1) Of a quantity of Jamaica ginger, which was so adulterated and misbranded, and which said article, on April 9, 1912, was shipped by the purchaser thereof from the State of New York into the State of Virginia in violation of the Food and Drugs Act. This product was labeled, "Superfine Jamaica Ginger." Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent)----- 31.68  
Test for ginger: Positive.  
Test for capsicum: Positive.

It was alleged in the information that this article, at the time of purchase of the same from said defendant and at the time of the shipment of the same in interstate commerce, was adulterated in that another substance, to wit, a dilute solution of alcohol containing but a small amount of ginger and strengthened with capsicum had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength, and in that another substance, to wit, a dilute solution of alcohol containing but a small amount of ginger and strengthened with capsicum, had been substituted for the genuine article, Jamaica ginger, which said article purported to be. Misbranding was alleged for the reason that the words on the label thereof, "Jamaica Ginger," regarding said article and the ingredients and substances contained therein, were false and misleading in that said label would indicate that said article was Jamaica ginger, whereas, in truth and in fact, the said article was not Jamaica ginger, but was a dilute solution of alcohol containing but a small amount of ginger and strengthened with capsicum.

(2) Of a quantity of peppermint extract, which was adulterated and misbranded, and which, on April 9, 1912, was shipped by the purchaser thereof from the State of New York into the State of Virginia in violation of the Food and Drugs Act. This product was labeled "Superfine Peppermint." Analysis of a sample of this product by the said Bureau of Chemistry showed the following results:

Alcohol (per cent)----- 31.16  
Oil of peppermint: Trace.  
Color: Artificial—Naphthol Yellow S.

It was alleged in the information that the article, at the time of purchase of the same and at the time of the shipment of the same in interstate commerce, was adulterated in that another substance, to wit, a dilute solution of alcohol, artificially colored with a coal tar dye, and containing only a trace of peppermint oil, had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength; and, further, in that a dilute solution of alcohol, artificially colored, containing only a trace of peppermint oil, had been substituted wholly for the genuine article; and said article was further adulterated in that it was artificially colored with a coal tar dye, to wit, Naphthol Yellow S, in a manner whereby its inferiority

was concealed. Misbranding was alleged for the reason that the words "Superfine Peppermint" on the label thereof, regarding said article and the ingredients and substances contained therein, were false and misleading, in that said label would indicate that said article was a genuine extract of peppermint, whereas said article was not a genuine extract of peppermint, but, in truth and in fact, was a dilute solution of alcohol, artificially colored, containing only a trace of peppermint oil.

On April 13, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$15.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3352. Adulteration of tomato pulp. U. S. v. 552 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5193. I. S. Nos. 8952-e, 8953-e. S. No. 1795.)**

On May 1, 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 a libel for the seizure and condemnation of 552 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on December 20, 1912, and transported from the State of Maryland into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly of a filthy, decomposed and [or] putrid vegetable substance. Adulteration was alleged for the further reason that the product consisted in part of a filthy, decomposed and [or] putrid vegetable substance.

On March 30, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the products should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 25, 1914.*

**3353. Adulteration and misbranding of olive oil. U. S. v. Antonius Lekakis and Gus Sigelakis (Lekakis & Sigelakis). Plea of guilty. Fine, \$25. (F. & D. No. 5217. I. S. No. 20246-d.)**

On February 13, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Antonius Lekakis and Gus Sigelakis, copartners, trading under the firm name and style of Lekakis & Sigelakis, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, on March 19, 1912, from the State of New York into the State of Michigan, of a quantity of so-called olive oil which was adulterated and misbranded. The product was labeled: (In modern Greek) "Elaion Gnesion Hellenikon Ideodes." (Translation) "Pure (genuine) Olive Oil Greek Ideal." (In English) "Hellenic Ideal Brand Trade Mark Pure Olive Oil."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that about 40 to 45 per cent of cottonseed oil was present therein.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and