

the law which makes it unlawful for that resinous substance to be found in the finished product that we call oil of cinnamon or cassia. But, says the Government, we got oil of cinnamon or cassia, that was sent by Lehn & Fink to Texas, we had that analyzed and the gentlemen who analyzed it, have been before you. They say they know rosin when they see it, and they found that this particular oil of cassia contained 5 or 6 per cent of *rosin*. Then it seems, by way of trying to straighten the matter out, that a portion of this sample of cinnamon oil was sent to Lehn & Fink, and Wyckoff analyzed it,—and he says that he did not find any rosin. He did find however all the other things that the other gentlemen found, and (except as to rosin) there is no substantial difference between their chemical investigations. But, when he applied the test that ought to have showed rosin if there was any rosin there, he got no precipitate,—found no solid residuum of rosin; but he did find about five and one-half per cent of a *resinous substance*, which in his opinion was the natural resin of the cassia cinnamon plant.

There is the whole story. Mr. Wyckoff says he found between five and six per cent of resinous substance and says that is natural to the article;—the Government inspectors found they say about the same percentage of rosin.

When we turn to the standard books in evidence before you, the Formulary says that it is common to adulterate oil of cassia with rosin and petroleum; and, when you turn to the Pharmacopœia various tests are given for the purpose of finding out whether there is rosin—not resinous substances, but rosin and petroleum in oil of cassia. Nobody says there is any petroleum in this specimen; but, the Government by its witnesses says there was rosin in it. The defendant by its witnesses says there wasn't any rosin in it at all, and that is the question.

Now, if you are thoroughly satisfied that there was rosin in this oil of cassia, then the defendant is guilty; if you are not satisfied, thoroughly satisfied that there was rosin in this oil of cassia, then it is not guilty.

By way of argument the defendant advances to you this proposition. It is worthy of consideration. The Pharmacopœia says that the active principle the cinnamic aldehyde that is in oil of cassia, need only amount to 75 per cent, and this specimen had more of the active principle in it than the Pharmacopœia required. That is admitted. Therefore the interrogatory is made, why should anybody adulterate something better than the standard?

Mr. Smith for the prosecution is entirely right in saying that there is not the slightest effort here to show that Lehn & Fink ever put anything in this oil. It is admitted they got this article from China and sold it to Texas as it came from China, so that whatever there was in the article when it got to Texas (so far as we know here), must have been put in in China. But when a man gets an article from the ends of the earth and then puts it forth with a label on it, which in effect says, "This corresponds to the law of the United States," it is his business to see that it does correspond, so it doesn't make any difference where it came from, or who put in the rosin if there was any. The question is as I put it to you now: Was there 5 or 6 per cent of rosin in this oil of cinnamon, or was there not? If there was, then you should find a verdict for the Government, if there was not, then you are to find a verdict for the defendant.

Thereupon the jury retired and after due deliberation returned into court with a verdict of "guilty," and the court imposed a fine of \$150, this being the second offense of the defendant corporation.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1914.*

**2842. Adulteration and misbranding of tea garden drips. U. S. v. Pacific Coast Syrup Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 3882. I. S. No. 3552-d.)**

On April 4, 1913, the United States Attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district information against the Pacific Coast Syrup Co., a corporation, San Francisco, Cal., and doing business at Oxnard, Cal., alleging the shipment by said company, in violation of the Food and Drugs Act, on or about May 20, 1911, from the State of California into the then Territory, now State, of Arizona, of a quantity of tea garden drips which was adulterated and misbranded. The product was labeled: "Tea Garden Drips. Sugar Sugar-cane and Corn Syrup Pacific Coast Syrup Co., Seattle, San Francisco, Portland. Guaranteed by the Pacific Coast Syrup Co. under the Food and Drugs Act June 30, 1906 Serial No. 8297. Trade Mark Registered U. S. Patent Office."

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

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| Solids by drying (per cent).....                           | 72.28 |
| Nonsugar solids (per cent).....                            | 17.08 |
| Sucrose, Clerget (per cent).....                           | 40.20 |
| Sucrose, by copper (per cent).....                         | 41.04 |
| Reducing sugars as invert before inversion (per cent)..... | 15.00 |
| Commercial glucose (factor 163) (per cent).....            | 33.10 |
| Polarization, direct at 20° C. (°V.).....                  | +95.8 |
| Polarization, invert, at 20° C. (°V.).....                 | +42.4 |
| Polarization, invert, at 87° C. (°V.).....                 | +54.0 |
| Ash (per cent).....  | .77   |
| Solids, by Geerlig (per cent).....                         | 73.36 |

Adulteration of the product was alleged in the information for the reason that it was labeled "Tea Garden Drips," the term drips indicating that it was a high quality of syrup and molasses obtained from the drainings and bleedings from sugar, and an analysis of said product showed that a substance, to wit, commercial glucose, had been substituted in whole or in part for such drips. Misbranding was alleged for the reason that the statement "drips" borne on the label was false and misleading because it conveyed the impression that the product was a high quality of syrup and molasses obtained from the drainings and bleedings from sugar, whereas, in fact, it was a mixture of syrup and commercial glucose, the statement "sugar, sugar cane and corn syrup" also appearing on the label being in such small type as to fail to correct the false impression conveyed by the word "drips."

On May 13, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 4, 1914.*

**2843. Adulteration and misbranding of apple cider and apple juice. U. S. v. National Fruit Products Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 3904. I. S. Nos. 17557-c, 17558-c.)**

On August 13, 1913, the United States Attorney for the Western District of Tennessee, 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 Fruit Products Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 5, 1911, from the State of Tennessee into the State of Georgia, of a quantity of so-called apple cider and a quantity of so-called apple juice, which products were adulterated and misbranded. The product purporting to be apple cider was labeled: "Apple Cider Guaranteed. The contents of this package as originally filled, are guaranteed to be made from apple juice, fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits or alcoholic liquors being added) contains 1/10 of 1% Benzoate of Soda and artificial sweetening matter and conforms to the provisions of the Food and Drugs Act as passed by Congress June 30, 1906. We also guarantee the contents of this package as originally filled to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn." The apple juice was labeled: "The contents of this package is made from apple juice fortified with sugar and guaranteed to be exempt from Internal Revenue Tax and conforms strictly with the provisions of the Food and Drugs Act, as passed by Congress June 30, 1906; Contains 1/10 of 1% Sodium Benzoate. National Fruit Products Co., Memphis, Tenn."