

4060. Adulteration and misbranding of peach extract. U. S. v. National Fruit Products Co.
Plea of guilty. Dismissed on payment of costs. (F. & D. No. 5365. I. S. No. 36472-e.)

On September 28, 1914, 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 July 2, 1912, from the State of Tennessee into the State of Georgia, of a quantity of peach extract which was adulterated and misbranded. The product was labeled: "Peach Extract 1 oz. to keg."

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.....	0.9415
Free volatile acids, as acetic (grams per 100 cc.).....	0.20
Esters, as ethyl acetate (per cent by weight).....	0.93
Solids (per cent by weight).....	0.50
Alcohol (per cent by volume).....	45.06
Methyl alcohol: Absent.	
Color: Very slight, vegetable.	
Organoleptic test: Odor and taste unlike peach.	

The product consists essentially of a dilute alcoholic solution of artificial esters, and contains little or no true fruit products.

Adulteration of the product was alleged in the information for the reason that an imitation extract of peach, prepared from a dilute solution of alcohol and artificial esters, had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength, and, further, for the reason that an imitation extract of peach, prepared from a dilute solution of alcohol and artificial esters, had been substituted wholly or in part therefor.

Misbranding was alleged for the reason that the statement "Peach Extract," borne on the label thereof, was false and misleading, in that it conveyed the impression that the product was genuine peach extract made from the fruit, whereas, in truth and in fact, it was not a genuine peach extract made from the fruit, but was an imitation extract of peach, prepared from a dilute solution of alcohol and artificial esters. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "Peach Extract", thereby conveying the impression that it was a genuine peach extract prepared from the fruit, whereas, in truth and in fact, it was not a genuine peach extract prepared from the fruit, but was an imitation extract of peach prepared from a dilute solution of alcohol and artificial esters.

On May 22, 1915, the defendant company entered a plea of guilty to the information, and the court ordered the same dismissed upon payment of the costs.

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

WASHINGTON, D. C., November 17, 1915.