

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 764, FOOD AND DRUGS ACT.

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#### MISBRANDING OF EXTRACT OF WINTERGREEN.

On or about January 31 and July 19, 1910, William McMurray, St. Paul, Minn., shipped from the State of Minnesota into the State of Michigan quantities of extract of wintergreen in bottles labeled, respectively; "1 oz. Net Weight McMurray's Country Club Brand Extract of True Wintergreen. Natural Fruit Flavor of Perfect Purity. Manufactured by Wm. McMurray & Co., Minneapolis & St. Paul," and "One Ounce Full Measure McMurray's Country Club Brand Wintergreen Extract. Manufactured by Wm. McMurray & Co., Minneapolis-St. Paul." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said William McMurray and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Minnesota against the said William McMurray, charging the above shipments and alleging that the product contained in the shipment of January 31, 1910, was misbranded in that said product was labeled as above, whereby the contents of each of said bottles were stated in terms of weight to be one ounce, whereas such contents were not correctly stated on the outside of said bottles, the contents of each of said bottles in fact being not more than 0.95 of one ounce in weight. The information also alleged that the product contained in the aforesaid shipment of July 19, 1910, was misbranded in that said product was labeled as aforesaid whereby the contents of each of said bottles were stated in terms of weight to be one ounce whereas such contents were not correctly

stated on the outside of said bottles, the contents of each of said bottles in fact being not more than 0.874 of one ounce in weight.

On December 7, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1911.*

