

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1422.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "GINGER EXTRACT" AND "PEPPERMINT ESSENCE."

On January 25, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against Minna W. Rheinstrom as executrix of the estate of Abraham Rheinstrom, deceased, trading under the name of Rheinstrom Bros., alleging shipment by her, in violation of the Food and Drugs Act, on or about March 16, 1910, from the State of Ohio into the State of Texas, of a quantity of ginger extract and peppermint essence, which were adulterated and misbranded. The ginger extract was labeled: (On case) "2 doz. Pints." (On bottles) "Eagle Liqueur Distilleries. Rheinstrom Bros., Cincinnati, U. S. A. Ginger Extract. Single. Guaranteed not to be adulterated or misbranded within the meaning of the National Pure Food Law." (On small paster) "Blended, containing nothing poisonous or deleterious to health. Rheinstrom Bros., Cincinnati, O." The peppermint essence was labeled: (On case) "2 doz. Pints." (On bottles) Eagle Liqueur Distilleries. Rheinstrom Bros., Cincinnati, U. S. A. Distilled, Peppermint Essence. Yellow. Artificially Colored. Guaranteed not to be adulterated or misbranded within the meaning of the National Pure Food Law." (On small paster) "Distilled, containing nothing poisonous or deleterious to health. Rheinstrom Bros., Cincinnati, O."

An analysis of a sample of the ginger extract and of the peppermint essence, numbered I. S. 18763-b and 18764-b, respectively, was made by the Bureau of Chemistry of the United States Department of Agriculture and showed the following results:

(I. S. No. 18763-b, ginger extract.)

Alcohol (per cent).....	31.60
Solids (grams per 100 cc).....	.28
Ginger test.....	Positive.
Capsicum.....	Negative.

(I. S. No. 18764-b, peppermint essence.)

Alcohol (per cent)-----	29.92
Peppermint oil-----	Trace.
Color-----	Naphthol Yellow S.

Adulteration of the ginger extract was charged for the reason that another substance, to wit, a dilute solution of alcohol and the alcohol soluble matters from ginger, was substituted wholly for said article, and further, because said dilute solution was mixed and packed as, for, and with said article so as to reduce and lower and injuriously affect the quality and strength thereof. Misbranding of said product was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser thereof, in that the said label was calculated and intended to and did create the impression and belief in the mind of the purchaser thereof that the article was ginger extract which conformed to the known and recognized standards of quality and strength, when in fact said article was not such standard ginger extract, but was a highly dilute solution of inferior quality and strength, composed of alcohol and the alcohol-soluble matters from ginger in small, inconsiderable and insufficient quantities. Misbranding was further alleged for the reason that the label bore a statement regarding said article and the ingredients and substances contained therein which said statement, to wit, "Ginger Extract," was then and there misleading and deceptive, in that said statement purported and represented said article to be genuine and standard "Ginger Extract," as that product is known, understood, and recognized by the trade, the public generally, and the Standard of Purity for Food Products, established in accordance with law; Whereas, said statement was untrue and false. Adulteration of the peppermint essence was alleged for the reason that another substance, to wit, a dilute solution of alcohol, containing only a mere trace of the oil of peppermint, the whole having added thereto an artificial coloring matter, had been substituted wholly for said article, represented as peppermint essence. Adulteration was further alleged for the reason that said dilute solution of alcohol contained only a mere trace of oil of peppermint and having added thereto said artificial coloring matter, had been mixed and packed with said article so as to reduce and lower and injuriously affect the quality and strength of the same; also, because said product was artificially colored in a manner whereby its inferiority was concealed. Misbranding of the said peppermint essence was alleged for the reason that said article was labeled so as to deceive and mislead the purchaser thereof, in that said label was calculated and intended to and did create the impression and belief in the mind of the purchaser thereof that said article "Peppermint Essence" conformed

to the known and recognized standards of strength, when in fact said article was not such standard peppermint essence, but was a highly dilute solution of inferior quality and strength, composed of alcohol and only a mere trace of the oil of peppermint. Misbranding was further alleged because the label on said article bore a statement regarding it and the ingredients and substances contained therein, which said statement to wit, "Distilled Peppermint Essence," was false, misleading, and deceptive, in that said statement purported and represented the said article to be genuine and standard peppermint essence, as that product is understood, known, and recognized by the trade, the public generally, and the Standards of Purity for Food Products, established in accordance with law, when in fact said statement was untrue and false.

On January 31, 1912, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1912.*

