

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2734.

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

U. S. v. The Loewenthal-Strauss Co. Plea of guilty to second and fifth counts of the information. Fine, \$25 on each of said counts with costs. Remaining counts of the information nolle prossed.

MISBRANDING AND ALLEGED ADULTERATION OF GINGER CORDIAL; ALLEGED ADULTERATION AND MISBRANDING OF PEPPERMINT EXTRACT AND JAMAICA GINGER EXTRACT; ADULTERATION AND ALLEGED MISBRANDING OF WINTERGREEN EXTRACT.

On November 15, 1912, the United States Attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in six counts against The Loewenthal-Strauss Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act—

(1) On or about May 25, 1911, from the State of Ohio into the State of New York, of a quantity of ginger cordial which was misbranded and alleged to have been adulterated. This product was labeled: (On case) “. . . Monaco Brand Liqueurs Ginger Cordial . . .” (Main label) “Ginger Flavor Cordial.” (On bottle cap) “Monacco Liqueur Trade Mark The L S Co.” Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Capsicum, present; ginger, present in very small amount; caramel used as coloring agent. Adulteration of the product was alleged in the first count of the information for the reason that a substance, to wit, capsicum, had been substituted wholly or in part for the article and, further, in that it was colored in a manner whereby its inferiority was concealed. Misbranding was alleged in the second count of the information for the reason that the following statements (on shipping case) “Ginger Cordial,” and (on bottle) “Ginger Flavor Cordial,” were false and

misleading because they deceived and misled the purchaser into believing that the product was a ginger cordial, whereas, in truth and in fact, it contained added capsicum and was artificially colored with caramel and, further, in that it was labeled "Ginger Cordial" and "Ginger Flavor Cordial," thereby purporting that it was a ginger cordial, whereas, in truth and in fact, it contained capsicum and was artificially colored with caramel.

(2) On or about October 28, 1911, from the State of Ohio into the State of Pennsylvania, of quantities of extract of peppermint and extract of Jamaica ginger which were alleged to have been adulterated and misbranded. The extract of peppermint was labeled: "Monacco Brand—Trade Mark—The L. S. Co. Extract of Peppermint Compound Extra Strong." Analysis of a sample of this product by said Bureau of Chemistry shows the following results: Specific gravity, 15.6°/15.6° C., 0.9308; alcohol (per cent by volume), 51.00; methyl alcohol, none; solids, 0.03 per cent; oil (per cent by volume) (by precipitation), 0.2; coal-tar color, present—Light Green S. F. Yellowish, and Naphthol Yellow S. Adulteration of the product was alleged in the third count of the information for the reason that a substance, to wit, a solution containing little or no peppermint, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and that said substance had been substituted wholly or in part for the article. Adulteration was alleged for the further reason that the product was colored with an artificial light green dye in a manner whereby the color of genuine peppermint extract was simulated and the inferiority of the product as a dilute peppermint extract had been concealed. Misbranding was alleged in said third count of the information for the reason that the statements "Extract of Peppermint" and "Compound Extra Strong" were false and misleading as they conveyed the impression that the product was a genuine extract of peppermint of extra strength, whereas, in fact, the same was a dilute solution containing little or no peppermint and, further, for the reason that it was labeled and branded so as to deceive and mislead the purchaser, being represented as peppermint, extra strong, whereas, in fact, it was a dilute solution containing little or no peppermint extract.

The extract of Jamaica ginger was labeled: "Monacco Brand—Trade Mark—L. S. Co. Extract of Jamaica Ginger Compound Extra Strong." Analysis of a sample of this product by said Bureau of Chemistry shows the following results: Specific gravity 15.6°/15.6° C., 0.9416; alcohol (per cent by volume), 46.76; methyl alcohol, none; solids, 0.47 per cent; reducing sugars before inversion (grams per 100 cc), 0.13; reducing sugars after inversion (grams per 100 cc),

0.17; LaWall's test for capsicum, positive; Nelson's test for capsicum, positive; on dilution with water does not become cloudy, showing absence of oils that are found in a genuine ginger extract. Adulteration of the product was alleged in the fourth count of the information for the reason that a substance, to wit, a dilute solution containing little, if any, ginger, fortified with capsicum, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and that said substance had been substituted wholly or in part for the genuine extract of ginger which the label represented the article to be. Misbranding was alleged in said fourth count of the information for the reason that the statement on the label, to wit, "Extract of Jamaica Ginger Compound Extra Strong," was false and misleading as it conveyed the impression that the product was an extract of Jamaica ginger extra strong, whereas, in fact, the product was a dilute solution containing little, if any, ginger, and fortified with capsicum. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a genuine extract of ginger of extra strength, whereas, in fact, it was a dilute solution fortified with capsicum and containing little, if any, ginger.

(3) On or about February 29, 1912, from the State of Ohio into the State of New York, of a quantity of extract of wintergreen which was adulterated and alleged to have been misbranded. This product was labeled: "Monacco Brand The L. S. Co. Extract of Wintergreen Compound Extra Strong Formula Solution of Wintergreen 800 Parts Hydro-Alcoholic Solution 2000 Parts Trace of Harmless Color." Analysis of a sample of this product by said Bureau of Chemistry shows the following results: Specific gravity, 15.6°/15.6° C., 0.9522; alcohol (per cent by volume), 39.80; methyl alcohol, none; solids (grams per 100 cc), 0.144; oil (per cent by volume), (a) by saponification, 0.16, (b) by precipitation (Howard's method), 0.1; coal-tar color, present; color, Light Green S. F. Yellowish, Naphthol Yellow S. Adulteration of the product was alleged in the fifth count of the information for the reason that a substance, to wit, a dilute extract of wintergreen artificially colored, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and in that a substance had been substituted wholly or in part for the wintergreen extract which the article was represented to be, and, further, in that it was colored with an artificial green coloring matter in a manner whereby the color of genuine extract of wintergreen was simulated and the inferiority of the product as a dilute extract of wintergreen was concealed. Misbranding was alleged in the sixth count of the information for the reason that the statement on the label thereof, "Extract of

Wintergreen Compound Extra Strong," was false and misleading as it conveyed the impression that the article was a genuine extract of wintergreen of greater strength than the standard for such article, whereas, in fact, it was a dilute extract of wintergreen of less than the standard strength. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, in that it was represented as a genuine extract of wintergreen of greater strength than the standard article, whereas, in fact, it was a dilute extract of less than the standard strength and artificially colored so as to simulate genuine wintergreen extract.

On December 27, 1912, the defendant company entered a plea of guilty to the second and fifth counts of the information and the court imposed a fine of \$25 on each of said counts, and costs. The remaining counts of the information were nolle prossed.

C. F. MARVIN,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 11, 1913.*

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