

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 2738.

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

---

**U. S. v. The Max Glick Co. Plea of guilty to count one of information. Fine, \$25 and costs. Second and third counts of information nolle prossed.**

---

### ADULTERATION OF CONFECTIONERY.

On January 20, 1913, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in three counts against the Max Glick Co., Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act—

(1) On or about September 29, 1911, from the State of Ohio into the State of Illinois, of a quantity of confectionery which was adulterated. This product was labeled: "Glick's 30 Lbs. Not assorted. Trade Famous Mark. Iced Nutty Fudge." "Glick's 30 Lbs. Famous Assorted Nutty Fudge." "Wilson Groc. Co., Peoria, Ill. Big 4." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Resinous coating, 0.16 per cent; iodine number of coating, 34.6; arsenic in coating as  $As_2O_3$ , 7 parts per million; arsenic in candy, none; test for rosin in coating, negative.

(2) On or about October 11, 1911, from the State of Ohio into the State of West Virginia, of a quantity of confectionery which was alleged to have been adulterated. This product was labeled: "Glick's Italian Style Trade Mark Famous Vanilla Cream 100 s. Guaranteed by the Max Glick Co. under the food and drugs act passed Jun 30, 1906." Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Product is coated with

shellac; alcohol, 0.006 per cent; iodoform test for alcohol in whole candy, positive; iodoform test for alcohol in candy after top had been cut off, positive; alcohol through whole candy and may have come from flavoring material; methyl alcohol, none; shellac, 0.09 per cent; iodine number (Hübl, 18 hours), 11.9; arsenic as  $\text{As}_2\text{O}_3$  in shellac, 10 parts per million; arsenic in candy, 0.01 part per million; amount of  $\text{As}_2\text{O}_3$  in daily ration, if daily ration contains as much arsenic as shellac, 26 milligrams, or over eight times maximum medicinal dose; polarization, direct, at  $20^\circ\text{C}$ .,  $+121.2^\circ\text{V}$ .; polarization, invert, at  $20^\circ\text{C}$ .,  $+57.8^\circ\text{V}$ .; polarization, invert, at  $87^\circ\text{C}$ .,  $+70.0^\circ\text{V}$ .; sucrose, 47.79 per cent; glucose (factor 163), 42.94.

(3) On or about October 13, 1911, from the State of Ohio into the District of Columbia, of a quantity of confectionery which was alleged to have been adulterated. This product was labeled: "30 Tom & Jerry Glazed." (Inside cover) "Glick's Tom & Jerry Mfg. By The Max Glick Co., Cleveland, O." Analysis of a sample of the product by said Bureau of Chemistry showed the following results: Arsenic ( $\text{As}_2\text{O}_3$ ), parts per million in candy, 0.3; arsenic ( $\text{As}_2\text{O}_3$ ), parts per million in coating, 12.5. Adulteration of the products was alleged in the information for the reason that they were articles of confectionery and contained a poisonous substance and ingredient deleterious and detrimental to health, to wit, arsenic.

On March 3, 1913, the defendant company entered a plea of guilty to the first count of the information and the court imposed a fine of \$25, with costs. The second and third counts of the information covering the shipments into the State of West Virginia and into the District of Columbia were nolle prossed.

C. F. MARVIN,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *October 13, 1913.*