

**3885. Adulteration and misbranding of extract of peppermint. U. S. v. Bernard Fela & Co.**  
**Plea of guilty. Fine, \$50. (F. & D. No. 3987. I. S. No. 12446-d.)**

On July 31, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Bernard Fela & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on September 23, 1911, from the State of Illinois into the State of Texas, of a quantity of extract of peppermint, so-called, which was adulterated and misbranded. The product was labeled: "Extract of Peppermint (smaller type) Compound, Bernard Fela & Co.; Chicago, U. S. A. Guaranteed under National Pure Food Law."

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.....	0.9805
Alcohol (per cent by volume).....	17.32
Methyl alcohol: None.	
Solids (grams per 100 cc).....	0.34
Oil (by precipitation): None.	
Color: Naphthol Yellow S and small amount of Martius Yellow.	

Adulteration of the product was alleged in the information for the reason that oil of peppermint in the quantity of not less than 3 per cent by volume is an essential ingredient of genuine extract of peppermint, whereas a certain liquid preparation, to wit, a dilute extract of peppermint, had been mixed and packed with the article of food so as to reduce and lower and injuriously affect the quality and strength thereof; and, further, a dilute extract of peppermint, as aforesaid, had been substituted wholly or in part for the aforesaid genuine extract of peppermint. Misbranding was alleged for the reason that the product bore a label in the words and figures set forth above, which said statement appearing on the label was false and misleading in that said statement, "Extract of Peppermint," represented to the purchaser that the article of food was genuine extract of peppermint containing not less than 3 per cent by volume of oil of peppermint, whereas, in truth and in fact, the article of food was not a genuine extract of peppermint but a dilute extract of peppermint; and, further, for the reason that said statement appearing on the label deceived and misled the purchaser in that said statement, "Extract of Peppermint," represented to the purchaser that the article of food was genuine extract of peppermint containing not less than 3 per cent by volume of oil of peppermint, whereas, in truth and in fact, it was not a genuine extract of peppermint, but a dilute extract of peppermint; and, further, for the reason that said statement, "Guaranteed under National Pure Food Law," represented to the purchaser that the purity of the article was guaranteed by the United States Government, whereas, in truth and in fact, the purity of the article was not guaranteed by the United States Government nor by any person, firm, or corporation.

On October 22, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*