

**3890. Adulteration and misbranding of so-called essence of peppermint. U. S. v. Chapman Drug Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 4170. I. S. No. 7921-d.)**

On October 9, 1912, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman Drug Co., a corporation, Knoxville, Tenn., alleging the shipment by said company, in violation of the Food and Drugs Act, on September 22, 1911, from the State of Tennessee into the State of North Carolina, of a quantity of so-called essence of peppermint, which was adulterated and misbranded. The product was labeled: (On carton) "One Dozen Ess. Peppermint Pure Food Guarantee Number 223 'White Lion Brand Drugs' Chapman Drug Co. Knoxville, Tennessee." (On bottle) "Guarantee No. 223 Peppermint Flavor. 'White Lion Brand Drugs' Chapman Drug Co. Wholesale Druggists, Knoxville, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

|  |        |
|--|--------|
| Specific gravity, 15.6° C.....                             | 0.9161 |
| Alcohol (per cent by volume).....                          | 58.76  |
| Methyl alcohol: None.                                      |        |
| Oil peppermint, by precipitation (per cent by volume)..... | 0.20   |

It was alleged in the information that the product was labeled as set forth above, when, in fact, it was not essence of peppermint, but a dilute essence had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and in that a dilute essence of peppermint had been substituted, containing only 3/5 [0.20] per cent of oil of peppermint, wholly or in part for the said full strength essence of peppermint, which should contain at least 3 per cent of oil of peppermint, while the label purported that it was full essence of peppermint, and said article was therefore adulterated under the provisions of section 7 of said Food and Drugs Act, paragraphs 1 and 2.

Misbranding was alleged for the reason that said label "Essence of Peppermint" was false and misleading, as it conveyed the impression that the product was full-strength essence of peppermint, whereas, in fact, it was a dilute essence of peppermint; and 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 full-strength essence of peppermint, whereas, in fact, it was a dilute essence of peppermint.

On November 5, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*