

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 147, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906 and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 10th day of November, 1908, in the District Court of the United States for the Eastern District of Virginia, in a prosecution by the United States against the Suffolk Drug and Extract Company, a corporation of Suffolk, Va., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Virginia to North Carolina an adulterated and misbranded lemon extract, the said Suffolk Drug and Extract Company entered a plea of guilty and the court imposed upon it a fine of \$25.

The facts in the case were as follows:

On August 24, 1907, an inspector of the Department of Agriculture purchased from J. J. Medford, Oxford, North Carolina, a sample (I. S. No. 2094) of a food product labeled: "Purl Brand Extract Lemon. Artificial coloring. Manufactured by Suffolk Drug & Extract Co., Inc., Suffolk, Va." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

Alcohol by volume (per cent)-----	44.00
Lemon oil (per cent)-----	.18
Citral-----	.02
Solids-----	.10

Color: artificial color declared.

Lemon extract, or flavor, as recognized by reliable manufacturers and dealers, is the flavoring extract prepared from oil of lemon, or from lemon peel, or both, and contains not less than five per cent by

volume of oil of lemon. The analysis of the aforesaid sample disclosed that there was only .18 per cent of oil of lemon in this article, hence it was adulterated within the meaning of section 7 of the act in that an inferior extract, artificially colored in a manner whereby its inferiority was concealed, was substituted wholly for the genuine article which it purported to be, and was misbranded within the meaning of section 8 of the act in that it was labeled "Extract Lemon," which statement was false, misleading, and deceptive because it was not lemon extract, but a very poor imitation thereof.

It appearing from the aforesaid analysis that the article was adulterated and misbranded, the Secretary of Agriculture gave notice to J. J. Medford, the dealer from whom the sample was procured, and also to the Suffolk Drug and Extract Company, the manufacturer and shipper, and gave them an opportunity to be heard. The said company being the party solely responsible for the adulteration and misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was adulterated and misbranded, on July 2, 1908 the said Secretary reported the facts and evidence (F. & D. No. 133) to the Attorney General by whom they were referred to the United States Attorney for the Eastern District of Virginia who presented the facts to the grand jury by whom an indictment was duly returned against the said Suffolk Drug and Extract Company with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

JANUARY 15, 1910.

