

Issued February 8, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 149, FOOD AND DRUGS ACT.

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 16th day of December, 1908, in the District Court of the United States for the Northern District of Illinois, in prosecutions by the United States against the Thomson & Taylor Spice Company, a corporation of Chicago, Illinois, for two violations of section 2 of the aforesaid act in shipping and delivering for shipment from Illinois to Missouri an adulterated and misbranded lemon extract, the said Thomson & Taylor Spice Company entered pleas of guilty and the court imposed upon it a fine of \$100 in each case.

The facts in the cases were as follows:

On August 22 and August 23, 1907, an inspector of the Department of Agriculture purchased from the Kansas City Wholesale Grocery Company and the Ryley-Wilson Grocer Company, respectively, both of Kansas City, Missouri, samples (I. S. Nos. 8016 and 8026) of a food product labeled, respectively: "American Beauty Lemon Flavor. Made from oil of lemon and grain spirits only. Manufactured for Kansas City Wholesale Grocery Co., Kansas City, Mo.," and "Standard Lemon Flavor—Colored. Made from oil of lemon and grain spirits only. Manufactured for Ryley-Wilson Grocer Co., Kansas City, Mo." These samples were analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

I. S. No. 8016:	
Lemon oil.....	0.0
Citral.....	Trace.
I. S. No. 8026:	
Lemon oil.....	Absent.
Aniline dye.....	Absent.
Turmeric.....	Absent.
Citral.....	Trace.

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 analyses of the aforesaid samples disclosed practically the total absence of oil of lemon, hence the articles were adulterated within the meaning of section 7 of the act in that an imitation extract was substituted wholly for the genuine article which it purported to be, and were misbranded within the meaning of section 8 of the act in that they were labeled "American Beauty Lemon Flavor. Made from oil of lemon and grain spirits only" and "Standard Lemon Flavor. Made from oil of lemon and grain spirits only," which statements were false, misleading, and deceptive because, as heretofore stated, there was no oil of lemon contained therein.

It appearing from the aforesaid analyses that the articles were adulterated and misbranded, the Secretary of Agriculture gave notice to the Kansas City Wholesale Grocery Company and to the Ryley-Wilson Grocer Company, the dealers from whom the samples were procured, and also to the Thomson & Taylor Spice Company, the manufacturer and shipper, and gave them an opportunity to be heard. The Thomson & Taylor Spice Company being the party solely responsible for the adulteration and misbranding of the articles and failing to show any fault or error in the results of the aforesaid analyses and it being determined that the articles were adulterated and misbranded, on June 26 and June 27, 1908, respectively, the said Secretary reported the facts and evidence (F. & D. Nos. 131 and 132) to the Attorney General by whom they were referred to the United States Attorney for the Northern District of Illinois who filed informations against the Thomson & Taylor Spice Company with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 15, 1910.

