

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 196, FOOD AND DRUGS ACT.

MISBRANDING OF OIL OF LEMON.

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 9th day of December, 1909, in the Circuit Court of the United States for the Southern District of New York, in a prosecution by the United States against David W. Hutchinson, New York City, N. Y., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from New York to New Jersey a misbranded oil of lemon, the said David W. Hutchinson entered a plea of guilty and the court imposed upon him a fine of \$2.

The facts in the case were as follows:

On February 17, 1909, an inspector of the Department of Agriculture purchased from W. R. Scudder, Newark, N. J., a sample of a food product labeled "D. W. Hutchinson, Essential Oils, 86 Maiden Lane, New York. Oil Lemon $\frac{1}{2}$ lb. net." The sample was examined in the Bureau of Chemistry of the United States Department of Agriculture and it was found that the bottle contained considerably less than one-half pound of lemon oil. Hence the article was misbranded within the meaning of section 8 of the act in that the statement on the bottle as to its contents in terms of weight was false and misleading because said bottle contained considerably less than one-half pound of lemon oil.

It appearing from the aforesaid examination that the article was misbranded, the Secretary of Agriculture gave notice to William R. Scudder, Newark, N. J., the dealer from whom the sample was purchased, and to David W. Hutchinson, New York City, N. Y., the manufacturer and shipper, and gave them an opportunity to be heard. David W. Hutchinson being the party solely responsible for the misbranding of the article and failing to show any fault or error in the result of the aforesaid examination, and it being determined that the article was misbranded, on August 7, 1909, the said Secretary

reported the facts and evidence to the Attorney General, by whom they were referred to the United States Attorney for the Southern District of New York, who filed an information against David W. Hutchinson, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 15, 1910.*

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