

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 689, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about January 11, 1910, Simon Ullmann and Samuel Dreifus, doing business under the firm name and style of Ullmann, Dreifus & Co., Cincinnati, Ohio, shipped from the State of Ohio into the State of Michigan, a quantity of a food product labeled:

[On carton.]

King B Concentrated Extract of Pure, Imitation, Lemon. From the Laboratory of Ullmann, Dreifus & Co., Cincinnati, Ohio. For Flavoring ice-cream, soda water, custard, cakes, jellies, confections, etc. The delicious flavor possessed by King B Concentrated Extract is due to the excellence of the material used, and to the great care with which they are prepared;

[On bottle.]

King B Compound citral and lemon, Colored, manufactured by Ullmann, Dreifus & Co., Cincinnati, O.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Ullmann, Dreifus & Co. and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said Simon Ullmann and Samuel Dreifus, trading as Ullmann, Dreifus & Co., charging the above shipment and alleging that the product so shipped was adulterated, in that a dilute solution of alcohol was sub-

stituted wholly or in part for the article, to wit, lemon flavor; in that the said article of food, then and there purporting to be a pure lemon flavor, did not contain any oil of lemon, and not more than a mere trace of citral derived from the oil of lemon; in that said dilute solution of alcohol was mixed and packed as and with said article of food, so as to reduce, lower and injuriously affect the quality and strength of said article of food; in that the product was colored artificially and in a manner whereby its inferiority hereinbefore described was concealed; and alleging the product to be misbranded, in that the labels above set forth bore statements regarding said article of food and the ingredients and substances contained therein, which were false, misleading and deceptive, because they conveyed to the purchaser the impression that said article of food was a lemon flavor, whereas, in truth and in fact, the same contained no lemon oil, and no more than a mere trace of citral derived from the oil of lemon, being a dilute solution of alcohol artificially colored; in that the word "imitation" which was stamped on the front and back of the carton containing the bottles of the product was false and misleading, in that it was intended to convey to the purchaser the idea that the product was an imitation extract of lemon whereas, in truth and in fact, it was absolutely worthless as a flavor and was not an imitation extract of lemon, but merely a dilute solution of alcohol, containing no more than a mere trace of citral derived from the oil of lemon.

The case coming on for hearing, the above-named defendants entered a plea of nolo contendere to the above information; whereupon the court imposed a fine of \$25 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 2, 1910.*