

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 768, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF A FOOD PRODUCT—"NEW YORK BRAND EXTRACT LEMON COMPOUND."

On or about June 9, 1909, Victor Althur, doing business under the firm name and style of Ketchum & Co., New York City, shipped from the State of New York to the State of New Jersey a quantity of a food product labeled: "New York Brand Extract Lemon Compound. Formula, Citral, Lemon Juice, Alcohol and Water. Color Lemon Yel. Guar. Ser. No. 4852. Ketchum & Company, 186 Wm. St. N. Y." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following result: Specific gravity, 0.9910; solids, 0.32 per cent; lemon oil by polarization, 0.0 per cent; lemon oil by precipitation, 0.0 per cent; alcohol, 7.30 per cent; citral, 0.013 per cent; citric acid, absent; reaction, alkaline; colored with naphthol yellow S; methyl alcohol, absent. 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, the said Victor Althur, trading as Ketchum & Co., and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the 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 Circuit Court of the United States for the Southern District of New York against the said Victor Althur, trading as Ketchum & Co., charging the above shipment and alleging that the product so shipped was adulterated in that it was artificially colored with a coal-tar dye which was not declared on the label thereof, and which lowered and injuriously affected the quality and strength of the product; and that the product was misbranded in that the label above set forth appearing on the container of the product regarding the ingredients or substances contained therein was false and misleading so as to deceive

and mislead the purchaser thereof, because the said label indicated that the product thus labeled was an extract lemon compound, whereas in truth and in fact it was not an extract lemon compound but a solution containing no oil of lemon, which is an essential ingredient of extract lemon compound.

On January 11, 1911, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

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., *February 10, 1911.*

