

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 774, FOOD AND DRUGS ACT.

MISBRANDING OF VANILLA FLAVOR AND LEMON FLAVOR.

On or about April 12, 1910, K. J. Schmidt, New York City, shipped from the State of New York into the State of New Jersey a consignment of flavoring extracts labeled, respectively, "Vanilla Flavor Crown Extract K. J. Schmidt, 71 & 75 West Broadway, New York", and "Lemon Flavor Artificial Crown Extracts. K. J. Schmidt, 71 & 75 West Broadway, New York." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results for the vanilla flavor: Vanillin 0.87 per cent, coumarin 0.084 per cent, Leach test for coumarin positive, lead acetate precipitate scant—dark brown, artificial color caramel; and the following results for the lemon flavor: Specific gravity 0.9959, ethyl alcohol 13.87 per cent, methyl alcohol absent, lemon oil absent, citral 0.064 per cent, solids (principally glycerine), color coal-tar dye naphthol yellow S.

As the analyses and report thereon indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said K. J. Schmidt and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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 K. J. Schmidt, charging the above shipment and alleging that the vanilla flavor so shipped was misbranded in that the label of said product bore false and misleading statements in that said label indicated that the contents of said bottles was an extract of vanilla, whereas in truth and in fact said contents was an imitation product, artificially flavored and colored whereby its inferiority was concealed. The information also alleged that the lemon flavor so

shipped was misbranded in that the label of said bottles was false and misleading, and the product was labeled so as to deceive and mislead the purchaser because said label indicated that the product was an extract of lemon, whereas, in truth and in fact, it was an artificial product consisting of ethyl alcohol and containing absolutely no lemon oil.

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 13, 1911.*

