

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 807, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about August 3, 1909, B. H. Townsend & Co., a corporation, Salt Lake City, Utah, shipped from the State of Utah into the State of Idaho a quantity of a food product labeled: "Pure Food Extract Lemon (Soluble) Alcohol 40 per cent, Oil of Lemon 5 per cent. Made from fruit oil and terpeneless oil representing a strength of 5 per cent, as required by pure food laws. B. H. Townsend & Company, Salt Lake City, Utah." Analysis of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed its specific gravity to be 0.9636, and to contain alcohol by volume 29.3 per cent, citral 0.054 per cent, solids 0.04 per cent, with a total absence of lemon oil, and to be artificially colored with the coal-tar dye known as naphthol yellow S. As it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said B. H. Townsend & Co. 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 District Court of the United States for the District of Utah against the said

B. H. Townsend & Co., charging the above shipment and alleging the product so shipped to be adulterated in that the bottles in which said product was shipped contained a highly dilute terpeneless extract of lemon mixed and packed with the other contents of said bottles so as to reduce the quality and strength of the product; in that a dilute terpeneless extract of lemon had been substituted to a large extent for lemon extract; in that the product had been so mixed and colored with a yellow dye as to simulate the color of genuine lemon extract and so as to conceal the fact that it was a dilute terpeneless solution of lemon extract; and in that the contents of said bottles contained no oil of lemon and contained about 29.3 per cent of alcohol; and further alleging that said product, labeled as above, was misbranded so as to mislead and deceive the purchasers, in the manner hereinbefore set forth.

On July 11, 1910, the defendant was arraigned and entered a plea of not guilty, which it subsequently, on November 7, 1910, changed to a plea of guilty, whereupon the court imposed a fine of \$10 and costs.

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., *March 14, 1911.*

