

4341. Adulteration and misbranding of so-called extract of lemon and so-called extract of orange. U. S. v. Home Mail Order Co., a corporation (Lundin & Co., a corporation). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5705. I. S. Nos. 3636-e, 3638-e.)

On November 27, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lundin & Co., a corporation, doing business at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, under a general guaranty filed with the Secretary of Agriculture that articles of said foods or drugs manufactured, packed, distributed, or sold by said company were not adulterated or misbranded within the meaning of the Food and Drugs Act, on September 13, 1912, from the State of Illinois into the State of Minnesota, of quantities of "Extract of Lemon" and "Extract of Orange," so called, which were adulterated and misbranded. It was further alleged that on July 25, 1912, said company filed with the secretary of the State of Illinois a certificate of change in name of the corporation known as Lundin & Co., from said name to Home Mail Order Co., and that said Home Mail Order Co., a corporation, became amenable to the prosecutions, fines, and penalties which would, but for the guaranty aforesaid and the certificate of change of name of Lundin & Co., a corporation, attach in due course to said Lundin & Co., a corporation.

Analysis of a sample of the "Extract of Lemon" by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 15.6° C.....	0.9177
Alcohol (per cent by volume).....	57.3
Methyl alcohol: Absent.	
Oil (per cent by volume).....	0.04
Citral (per cent by weight).....	0.16
Total aldehydes (per cent by weight).....	0.19
Color: Very light, natural.	

A terpeneless extract.

Analysis of a sample of the "Extract of Orange" by said Bureau of Chemistry showed the following results:

Specific gravity at 15.6° C.....	0.9011
Alcohol (per cent by volume).....	64.2
Methyl alcohol: Absent.	
Oil (per cent by volume).....	0.8
Citral (per cent by weight).....	0.05
Total aldehydes (per cent by weight).....	0.09
Color: Natural.	

A terpeneless extract.

Adulteration of the articles was alleged in the information for the reason that when they were so shipped and delivered for shipment, as aforesaid, a certain substance, to wit, a terpeneless extract of lemon (or a terpeneless extract of orange, in the case of the orange product), had been mixed and packed with the article of food aforesaid, so as to reduce, lower, and injuriously affect its quality and strength, and, further, in that a certain substance, to wit, a terpeneless extract of lemon (or a terpeneless extract of orange, in the case of the orange product), had been substituted in part for the genuine, full-strength extract of lemon (or genuine, full-strength extract of orange, in the case of the orange product) which the articles of food aforesaid, respectively, purported to be.

Misbranding of the articles was alleged for the reason that each of the cartons containing the bottles bore a label in words and figures as follows, to wit:

(On carton) "Extract of Lemon for Flavoring Cakes, Custards, Sauces, Jellies, Syrups, Blanc Mange, Ice Cream, Etc. 1-½ Ounces Net. Lundin & Co.'s Flavoring Extracts. Guaranteed by Lundin & Co. under the Food and Drugs Act, June 30, 1906, Serial No. 1224. They are warranted free from the poisonous oils and acids which enter into the composition of many of the fictitious fruit flavors now on the market. Prepared by Lundin & Co., 2443-7 W. Kinzie St. Chicago, Ill." (On sides) "These extracts are guaranteed Absolutely Pure Fruit Products. These extracts are Pure Fruit Products and therefore have the Natural Fruit Flavor." (On bottle) "Extract of Lemon for Flavoring Custards, Cakes, Sauces, Ice Cream, Jellies, Syrups, Etc. Made from Pure Food Products. Contains 60 per cent Alcohol. One and One-Half Ounces Full Measure. Prepared by Lundin & Co. 2443-45-47 W. Kinzie Street, Chicago, Ill.;" in the case of the "Extract of Orange": (On carton) "Extract of Orange for Flavoring Cakes, Custards, Sauces, Jellies, Syrups, Blanc Mange, Ice Cream, Etc. 1-½ Ounces Net. Lundin & Co.'s Flavoring Extracts. Guaranty Legend, Serial No. 1224. They are warranted free from the poisonous oils and acids which enter into the composition of many of the fictitious fruit flavors now on the market. Prepared by Lundin & Co., 2443-7 W. Kinzie St. Chicago, Ill." (On sides) "These Extracts are guaranteed Absolutely Pure Fruit Products. These Extracts are Pure Fruit Products and therefore have the Natural Fruit Flavor." (On bottle) "Extract of Orange for Flavoring Custards, Cakes, Sauces, Ice Cream, Jellies, Syrups. Etc. Made from Pure Food Products Contains 60 Per Cent Alcohol. One and one-half Ounces Full Measure. Prepared by Lundin & Co. 2443-45-47 W. Kinzie Street, Chicago, Ill.;" which said labels were misbranded in that the statement therein, to wit, "Extract of Lemon" (or "Extract of Orange" in the case of the orange product), was false and misleading in that it purported and represented said article to be a genuine, full-strength extract of lemon (or extract of orange, in the case of the orange product), whereas, in truth and in fact, it was not a genuine, full-strength extract of lemon (or extract of orange, in the case of the orange product), but was a terpeneless extract of lemon (or terpeneless extract of orange, in the case of the orange product).

On December 17, 1915, the Home Mail Order Co., a corporation, having entered a plea of guilty to the information, the court, on January 4, 1916, imposed a fine of \$25 and costs. On January 14, 1916, an order of nolle prosequi to the information was entered in the case against Lundin & Co.

CARL VROOMAN, *Acting Secretary of Agriculture.*