

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 150, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF TERPENELESS LEMON EXTRACT.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 26th day of April, 1909, in the District Court of the United States for the Western Division of the Western District of Missouri, in a prosecution by the United States against Charles Spies and V. M. Seiter, doing business under the firm name and style of Chas. Spies & Company, of Kansas City, Missouri, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Missouri to Kansas an adulterated and misbranded terpeneless lemon extract, the said Chas. Spies & Company entered a plea of guilty and the court imposed upon them a fine of \$25.

The facts in the case were as follows:

On July 30, 1907, an inspector of the Department of Agriculture purchased from R. L. Goddard, Kansas City, Kansas, a sample (I. S. No. 1409) of a food product labeled: "Terpeneless Lemon Brand Superior Quality Extract, Blanke-Baer Chemical Co. St. Louis." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

Lemon oil	Absent.
Citral	Trace.
Solids (per cent)04

Terpeneless lemon extract, or flavor, as recognized by reliable manufacturers and dealers, is the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol, and contains not less than two-tenths per cent by weight of citral derived from oil of lemon. The analysis of

the aforesaid sample disclosed practically the total absence of citral, hence the product was adulterated within the meaning of section 7 of the act in that an inferior extract was substituted wholly for the genuine product which it purported to be, and was misbranded within the meaning of section 8 of the act in that it was labeled "Terpeneless Lemon Extract," which statement was false, misleading, and deceptive because it was not terpeneless lemon extract, but an inferior product with a percentage of citral so small that it could not be accurately determined.

It appearing from the aforesaid analysis that the article was adulterated and misbranded, the Secretary of Agriculture gave notice to R. L. Goddard, the dealer from whom the sample was purchased, and also to Chas. Spies & Company, the shipper, and the Blanke-Baer Chemical Company, the manufacturer, and gave them an opportunity to be heard. Chas. Spies & Company being the parties solely responsible for the interstate shipment of the adulterated and misbranded article and failing to show any fault or error in the result of the aforesaid analysis and it being determined that the article was adulterated and misbranded, on October 5, 1908, the said Secretary reported the facts and evidence (F. & D. No. 191) to the Attorney General by whom they were referred to the United States Attorney for the Western District of Missouri who filed an information against Chas. Spies & Company with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 15, 1910.

