

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 237, FOOD AND DRUGS ACT.

MISBRANDING OF LEMON FLAVOR.

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 14th day of December, 1909, in the District Court of the United States for the Southern District of Ohio, in a prosecution by the United States against Frank L. Beggs, of Newark, Ohio, doing business under the firm name of Styron, Beggs & Company, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Ohio to West Virginia a misbranded lemon flavor, the said Frank L. Beggs entered a plea of *nolo contendere* and the court imposed upon him a fine of \$5.

The facts in the case were as follows:

On June 8, 1909, an inspector of the Department of Agriculture purchased from Hagen, Ratcliff & Company, Inc., of Huntington, W. Va., a sample of a food product labeled: "Manhattan Compound Lemon.—Oil Lemon 1.25%. Dilute Alcohol 98.75%. Coloring, Lemon Peel." "Guaranteed by Styron, Beggs & Co., Manufacturing Chemists, Newark, Ohio, Under the Food and Drugs Act, June 30, 1906; U. S. Serial No. 869." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and it was found to contain only a mere trace of oil of lemon. From the aforesaid analysis it appeared that the article was misbranded within the meaning of section 8 of the act in that there appeared upon the label a statement that it contained 1.25 per cent oil of lemon, which statement was false, misleading, and deceptive in that it did not contain 1.25 per cent of oil of lemon, but only a mere trace of the same.

It appearing from the aforesaid analysis that the article was misbranded, the Secretary of Agriculture gave notice to Hagen, Ratcliff & Company, Inc., the dealer from whom the sample was purchased, and also to Styron, Beggs & Company, the manufacturer and shipper, and gave them an opportunity to be heard. Frank L. Beggs, the

sole manager and proprietor, and doing business under the name of Styron, Beggs & Company, being the party solely responsible for the misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was misbranded, on September 24, 1909, the said Secretary reported the facts and evidence to the Attorney General, by whom they were referred to the United States Attorney for the Southern District of Ohio, who filed an information against Frank L. Beggs, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1910.*