

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 661, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF ORANGE AND LEMON FLAVORING EXTRACTS.

On or about March 30, 1910, the Semrad Chemical Company, a corporation, Chicago, Ill., shipped from the State of Illinois to the State of Michigan a consignment of eight varieties of flavoring extracts, respectively labeled:

- “Extract Lemon Bakers, Soluble Terpeneless Citral;”
- “Extract Lemon XXX, Soluble Terpeneless;”
- “Extract Lemon, Soluble Terpeneless;”
- “Extract Orange, Soluble Terpeneless;”
- “True Orange Flavor, Soluble Terpeneless;”
- “True Lemon Flavor, Soluble Terpeneless;”
- “Lemon Flavor with Peels, Soluble Terpeneless;”
- “Orange Flavor with Peels, Soluble Terpeneless;”

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made thereon indicated that these products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Semrad Chemical Company and the party from whom samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said 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. On September 13, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Illinois, charging the above shipment, and alleging that the products so shipped were adulterated and misbranded, as follows:

Count 1.—That the product labeled “Extract Lemon Bakers, Soluble Terpeneless Citral,” was adulterated in that it consisted of a

highly dilute terpeneless extract of lemon, containing only 0.04 per cent. of citral, and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon containing practically no oil of lemon had been mixed and packed with the product in such manner as to reduce, lower, and injuriously affect its quality and strength, and in that a highly dilute extract of lemon, containing practically no oil of lemon, had been substituted wholly or in part for the product; and that said article of food was misbranded in that it was labeled "Extract Lemon Bakers. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Soluble Terpeneless Citral, Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading because it tended to deceive the purchaser into the belief that the product was a pure extract of lemon when as a matter of fact the product was a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, and in that said article of food was an imitation of another article, to wit, pure lemon extract.

Count 2.—That the product labeled "Extract Lemon, Triple Soluble Terpeneless" was adulterated in that it consisted of a highly dilute terpeneless extract of lemon, containing only 0.135 per cent. of citral, and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon containing practically no oil of lemon had been mixed and packed with the product in such manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, had been substituted in whole or in part for said product; and that said article was misbranded, in that it bore a label as follows: "Extract Lemon Triple Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless lemon extract, when as a matter of fact it was a dilute terpeneless extract of lemon, containing little or no oil of lemon, prepared in imitation of another article, to wit, pure terpeneless extract of lemon.

Count 3.—That the product labeled "Extract Lemon, Soluble Terpeneless," was adulterated in that it consisted of a highly dilute terpeneless extract of lemon, containing only 0.135 per cent. of citral, and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of lemon, containing practically no oil of lemon, had been substituted in whole or in part for said product; and that the article was misbranded in that it bore a label as follows: "Ex-

tract Lemon Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557. Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless lemon extract, when as a matter of fact it was a dilute terpeneless extract of lemon, containing little or no oil of lemon, prepared in imitation of another article, to wit, pure terpeneless lemon extract.

Count 4.—That the product labeled "Extract Orange, Soluble Terpeneless," was adulterated in that it consisted of a highly dilute terpeneless extract of orange, containing only 0.075 per cent. of citral, and practically no oil of orange; in that a highly dilute terpeneless extract of orange, containing practically no oil of orange, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of orange containing practically no oil of orange had been substituted in whole or in part for the said product; and that the article was misbranded in that it bore a label as follows: "Extract of Orange Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois;" which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless orange extract, when as a matter of fact it was a dilute terpeneless extract of orange, containing little or no oil of orange, prepared in imitation of another article, to wit, pure terpeneless extract of orange.

Count 5.—That the product labeled "True Orange Flavor, Soluble Terpeneless," was adulterated in that it consisted of a highly dilute terpeneless extract of orange, containing only 0.058 per cent. of citral and practically no oil of orange; and in that a highly dilute terpeneless extract of orange, containing practically no oil of orange, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of orange, containing practically no oil of orange, had been substituted in whole or in part for the product; and that the article was misbranded in that it bore a label as follows: "True Orange Flavor, Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless orange extract, when as a matter of fact it was a dilute terpeneless extract of orange, containing little or no oil of orange, and was prepared in imitation of another article, to wit, pure terpeneless extract of orange.

Count 6.—That the product labeled “True Lemon Flavor, Soluble Terpeneless,” was adulterated in that it consisted of a highly dilute terpeneless extract of lemon, containing only 0.1 per cent. of citral and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of lemon, containing practically no oil of lemon, had been substituted wholly or in part for the product; and that the article was misbranded in that it bore a label as follows: “True Lemon Flavor, Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois”, which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless lemon extract, when as a matter of fact it was a dilute terpeneless extract of lemon, containing little or no oil of lemon, prepared in imitation of another article, to wit, pure terpeneless extract of lemon.

Count 7.—That the product labeled “Lemon Flavor with Peels, Soluble Terpeneless,” was adulterated in that it consisted of a highly dilute terpeneless extract of lemon, containing only 0.125 per cent. of citral and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, had been mixed and packed with the product in such manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of lemon, containing practically no oil of lemon, had been substituted in whole or in part for the product; and that the article was misbranded in that it bore a label as follows: “Lemon Flavor with Peels, Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois,” which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless extract of lemon, when, as a matter of fact, it was a dilute terpeneless extract of lemon, containing little or no oil of lemon, prepared in imitation of another article, to wit, pure terpeneless extract of lemon with peels.

Count 8.—The product labeled “Orange Flavor with Peels, Soluble Terpeneless,” was adulterated in that it consisted of a highly dilute terpeneless extract of orange, containing only 0.059 per cent. of citral and practically no oil of orange; in that a highly dilute extract of orange, containing practically no oil of orange, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of orange, containing practically no oil of orange, had been

substituted in whole or in part for the said product; and that the article was misbranded in that it bore a label as follows: "Orange Flavor with Peels, Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless orange extract, when as a matter of fact it was a dilute terpeneless extract of orange containing little or no oil of orange, prepared in imitation of another article, to wit, pure terpeneless extract of orange with peels.

On September 20, 1910, the defendant entered a plea of guilty to the above information, on the ensuing day a hearing was held, and on September 23, 1910, the court imposed a fine of \$100 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 3, 1910.*