

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1413.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BROOKE'S LEMOS (LEMON JUICE).

On November 1, 1911, the United States Attorney for the District of Columbia, acting upon a report of the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel praying condemnation and forfeiture of 17 cases of Brooke's Lemos, an article purporting to be sweetened lemon juice, in the possession of B. B. Earnshaw & Bro., Washington, D. C. The product was labeled: (On cases) "Brooke's Lemos—Registered Trade Mark—Sweetened Lemon Juice." (On pint bottles): "Brooke's Lemos—A sweetened preparation of lemon juice with the full flavor of the peel. . . . Prepared only by C. M. Brooke & Sons, New York and Melbourne (on back in small type) Guarantee legend—Consists of the juice of lemon with an infusion of the peel, artificial coloring, sugar and 1/10 of 1% benzoate of soda. . . . Contains fifteen ounces or more."

Analysis of three samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Acidity as citric acid (grams in 100 cc), sample I. S. No. 14643-d, 2.78; sample I. S. No. 14644-d, 2.90; sample I. S. No. 14645-d, 2.86. The libel alleged that the product, after transportation from the State of New York into the District of Columbia, remained in the original unbroken packages and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged in the libel against said product in words as follows: Because each and all of the said cases and bottles containing the said article of food were and are labeled as hereinbefore set forth, which said labels signify and import that the product contained in the said cases and bottles is sweetened lemon juice, and a pure juice of lemon sweetened, and your libelants charge that the article of food contained in the said cases and bottles, and each thereof, is not a pure sweetened lemon juice, nor a lemon juice, nor entitled to be

so called, but that the said food or product has been diluted and adulterated by the addition of water, whereby, and by reason thereof, the quality and strength of the said sweetened lemon juice or "Brooke's Lemos" has been reduced and lowered and injuriously affected. Because the said article of food contained in the said cases and bottles is not a pure sweetened lemon juice, but is a mixture in which a certain liquid, to wit, water, has been substituted, in part, for the said lemon juice. Misbranding was alleged because said product was labeled and branded so as to mislead and deceive the purchaser, in that the statements on the label signify and import that the product is sweetened lemon juice, when in fact it was a mixture containing in addition to the juice of lemons, a certain quantity of water; and further, because the product contained a substance known as benzoate of soda which was not declared or disclosed upon the label, but was placed upon the back of the bottles in an inconspicuous part of the said label.

On December 15, 1911, the case coming on for hearing and it appearing that C. M. Brooke & Sons had appeared as claimants of said product and filed answer, the court found the product adulterated and misbranded, as alleged in the libel, and entered a decree condemning and forfeiting the same to the United States; but authorizing the release of said product to the claimants upon the payment of all costs by them and the execution of a bond in the sum of \$150 conditioned that said property should not be disposed of contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 16, 1912.*