

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2143.

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

MISBRANDING OF LEMON EXTRACT, VANILLA EXTRACT, ALMOND EXTRACT, AND ORANGE EXTRACT.

On June 28, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Royal Remedy & Extract Co., a corporation, Dayton, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 12, 1912, from the State of Ohio into the State of Illinois—

(1) Of a quantity of so-called lemon extract which was misbranded. The product was labeled: "One dozen, 2 oz. Souders' Pure Lemon Extract. * * *."

Analysis of a sample of said product made by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 15.6° C., 0.8489; alcohol (per cent by volume), 77.60; methyl alcohol (per cent by volume), absent; oil (per cent by volume), by polarization, 4.8; oil (per cent by volume), by precipitation, 5.2; index of refraction of oil at 22° C., 1.4682; citral, per cent by weight, 0.24; volume, 8 bottles measured 58.0, 58.1, 50.0, 58.0, 48.2, 53.2, 55.8, 62.0 cc, 6.7 per cent short. Misbranding of the product was alleged in the information for the reason that the label and brand thereon bore a statement of the contents of each of the packages or bottles thereof in terms of weight or measure, as follows, to wit, "2 oz.," which said statement of the weight or measure of said contents was not correct, but was untrue and false in that each of the bottles did not contain 2 ounces of the product, but the said packages and bottles averaged 6.7 per cent short of the volume, weight, or measure so stated on the label and brand.

(2) Of a quantity of vanilla extract which was misbranded. The product was labeled: "One dozen, 2 oz. Souders' Pure Vanilla Extract."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at

15.6° C., 1.0284; alcohol (per cent by volume), 34.20; methyl alcohol, by volume, absent; vanillin purified, 0.094; coumarin, none; resins, normal; lead acetate precipitate, normal; caramel, absent; volume, 8 bottles measured 50.4, 53.0, 51.0, 59.0, 61.6, 51.8, 54.8, 54.0 cc, 7.9 per cent short. Misbranding of the product was alleged in the information in that the label and brand thereof bore a statement of the contents of each of the packages and bottles in terms of weight or measure, as follows, to wit, "2 oz.," which said statement of the weight or measure of the contents of each of the bottles was not correct, but was untrue and false in that each of the bottles did not contain 2 ounces of the product, nor did any of them, but the bottles averaged 7.9 per cent short of the volume, weight, or measure so stated on the label and brand.

(3) Of a quantity of almond extract which was misbranded. The product was labeled: "Souders' 7 drams Almond Extract * * Prepared and guaranteed by The Royal Remedy & Extract Co., Dayton, O. * * *."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 15.6° C., 0.8808; alcohol (per cent by volume), 71.55; methyl alcohol, absent; nitrobenzol, none; hydrocyanic acid, none; benzaldehyde, 1.12 per cent; almond oil, appears to be natural product; sulphuric acid test positive; volume, 8 bottles measured 23.0, 25.4, 23.2, 23.1, 17.8 (not full), 25.1, 24.1, 26.1 cc, 6.1 per cent short. Misbranding of the product was alleged in the information for the reason that the label and brand thereof bore a statement of the contents of each of the packages and bottles, in terms of weight or measure, as follows, to wit, "7 drams," which said statement of the weight or measure of said contents of each of the bottles was not correct, but was untrue and false in that each of the bottles did not contain 7 drams of the product, nor did any of them, and the packages and bottles averaged 6.1 per cent short of the volume, weight, or measure stated on the label and brand.

(4) Of a quantity of orange extract which was misbranded. The product was labeled: "Souders' 7 drams Orange Extract * * Prepared and guaranteed by The Royal Remedy & Extract Co., Dayton, O. * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 15.6° C., 0.8339; alcohol (per cent by volume), 85.73; methyl alcohol, absent; oil (per cent by volume), by polarization, 5.2; oil (per cent by volume), by precipitation, 5.1; index of refraction of oil at 22° C., 1.4665; aldehydes as citral, 0.025; volume, 8 bottles measured 24.4, 25.9, 26.3, 25.5, 25.0, 24.9, 25.8, 24.6 cc, 2.2 per cent short. Mis-

branding of the product was alleged for the reason that the label and brand thereon bore a statement of the contents of each of the packages or bottles in terms of weight or measure, as follows, to wit, "7 drams," which said statement of the weight or measure of the contents of each of the bottles was not correct, but was untrue and false in that each of the bottles did not contain 7 drams of the product, nor did any of them, but they averaged 2.2 per cent short of the volume, weight, or measure so stated on the label and brand.

On September 30, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25, with costs of \$16.85.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 24, 1912.*

