

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2527.

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

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**U S. v. John and Hugo Jaburg. Plea of guilty. Sentence suspended.**

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### ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On August 6, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Jaburg and Hugo Jaburg, doing business under the name and style of Jaburg Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on October 27, 1911, from the State of New York into the State of Virginia, of a quantity of lemon extract which was adulterated and misbranded. The product was labeled: "3/4 standard strength lemon extract, artificially colored. Jaburg Bros., importers, manufacturers and dealers in fine essential oils. Flavoring extracts and pure food colors \* \* \*."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 53.4; lemon oil (per cent by precipitation), 0.25; lemon oil (per cent by polarization), 0.20; citral (Hiltner method), 0.10 per cent; solids (grams per 100 cc), 0.18; ash (grams per 100 cc), 0.30; ash consists almost exclusively of MgO; colored with coal-tar dye (naphthol yellow S); a small amount of a natural coloring matter resembling that of lemon peel also present. This product is less than three-fourths standard strength as stated on the label. The artificial color conceals inferiority. Adulteration of the product was alleged in the information for the reason that a substance, to wit, dilute alcohol containing merely traces of lemon oil, had been mixed and packed therewith in such manner as to reduce, lower, and injuriously affect its quality and strength, and it was further adulterated in that a substance, to wit, dilute alcohol containing merely traces of lemon oil, had been substituted in part for the article, and further in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the package and label of the product bore a statement, to wit, "3/4 standard strength lemon extract," which said statement was false and misleading because it would mislead and deceive the purchaser into the belief that the product had a strength equivalent to three-fourths of that of standard lemon extract, whereas, in truth and in fact, it was a dilute alcohol containing merely traces of lemon oil and its strength was not equivalent to three-fourths of the strength of standard lemon extract; and further, in that it was labeled and branded so as to deceive and mislead the purchaser, in that its label and brand contained the statement "3/4 standard strength lemon extract," said label and brand thereby falsely representing that the strength of the product was three-fourths of the strength of standard extract of lemon, whereas, in truth and in fact, said product was dilute alcohol containing merely traces of lemon oil and was not three-fourths as strong as standard lemon extract.

On October 23, 1912, the defendants entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 14, 1913.*