

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1029.

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

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#### ADULTERATION AND MISBRANDING OF LEMON EXTRACT AND VANILLA EXTRACT.

On November 18, 1910, the United States Attorney for the District of Massachusetts, acting upon the report of the Secretary of Agriculture, filed information in the District Court for said district against Charles Crompton, doing business under the name of Charles Crompton & Sons, alleging shipment by him, in violation of the Food and Drugs Act, on January 13, 1911, from the State of Massachusetts into the State of New Hampshire, of a certain quantity of lemon extract and vanilla extract, which were adulterated and misbranded. The labels on the packages containing the lemon extract and the vanilla extract contained the following statements, respectively: "Crompton's Bay State Brand Extracts, Essences, and Tinctures Lemon. Chas. Crompton & Sons, Lynn, Mass. Formula. Oil of Lemon, about .04, Alcohol about .58, Water, about .38, Color, a trace." and "Crompton's Bay State Brand Extracts, Essences, and Tinctures Vanilla. Formula: Vanilla Bean .100, Vanillin, .012, Coumarin .001, Alcohol and Water .677, Sugar, .200, Caramel .010. Guaranteed by Charles Crompton & Sons, under the Food and Drugs Act of June 30, 1906, Serial No. 1419."

Analyses by the Bureau of Chemistry of the United States Department of Agriculture showed the so-called lemon extract to be an artificially colored solution, containing about 44.65 per cent alcohol by volume and 1.06 per cent oil of lemon by volume, and the so-called vanilla extract to be an artificially colored solution containing alcohol by volume 8.86 per cent, vanillin 0.606 per cent, coumarin 0.03 per cent, and no vanilla resins.

Adulteration of the so-called lemon extract was alleged in the first count of the information for the reason that lemon extract is known to the trade and generally understood by the public to be the flavoring extract prepared from oil of lemon or from lemon peel, or both, and contains not less than 5 per cent by volume of oil of lemon, whereas there had been mixed and packed with said lemon extract a substance, to wit, a dilute terpeneless extract of lemon, so as to reduce and lower and injuriously affect its quality and strength. Misbranding of said lemon extract was alleged because the label contained the statements that said product was a lemon extract and contained about 4 per cent of oil of lemon, which said statements were false and misleading, in that said product was not a lemon extract and did not contain about 4 per cent of oil of lemon, but contained only 1.6 per cent of said oil of lemon.

Misbranding of the so-called vanilla extract was alleged because vanilla extract is known to the trade and generally understood by the public to be the flavoring extract prepared from vanilla beans, with or without sugar or glycerine, and contains in 100 cubic centimeters the soluble matters from not less than 10 grams of the vanilla bean, whereas the label on the package containing the aforesaid vanilla extract stated the contents to be vanilla extract and to contain about one-tenth part of vanilla bean, which said statements were false and misleading, in that said product was not a vanilla extract and did not contain about one-tenth part of vanilla bean.

On May 10, 1911, the defendant was tried by a jury. No evidence was introduced concerning the adulteration of the aforesaid lemon extract, as alleged in the first count of the information, and the defendant was found not guilty thereon, but a verdict of guilty was rendered by the jury on the second and third counts of said information.

On May 12, 1911, the defendant was sentenced to pay a fine of \$50, which fine was immediately paid.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *July 24, 1911.*