

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 480, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about August 19 and October 15, 1908, Clark W. Earll, doing business as Earll Coffee Company, Kansas City, Mo., shipped from the State of Missouri to the State of Kansas two consignments of a food product labeled "Earll's Terpeneless Lemon Flavoring, Vegetable Coloring." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Clark W. Earll, and the dealers from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that said shipments were 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.

In due course a criminal information was filed in the District Court of the United States for the Western District of Missouri against said Clark W. Earll, charging the above two shipments, and alleging that the product was adulterated within the meaning of the act, in that a liquid substance purporting to be terpeneless lemon flavoring with vegetable coloring had been mixed and packed with other substances so as to reduce and lower and injuriously affect the quality and strength of the product, which said liquid substance had been artificially colored and stained in a manner whereby damage and inferiority were concealed, and contained an added poisonous and deleterious ingredient, to wit, methyl (wood) alcohol, which rendered such article injurious to health; and further alleging the product to be misbranded within the meaning of the act, in that its label, above set forth, represented it to be a "Terpeneless Lemon Flavoring, Vegetable Coloring," when, in truth and in fact, it was merely an imitation thereof, artificially colored, and offered for sale under the distinctive name of another article, to wit, "Terpeneless Lemon Flavoring, Vegetable Coloring," the bottles containing said product being labeled and marked so as to deceive and mislead the purchaser.

On May 5, 1910, the case coming on for hearing, defendant entered a plea of guilty to the above information and the court imposed a fine of \$10 and costs of prosecution in the case of each of the above shipments.

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

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 25, 1910.*

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