

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 739, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF FLAVORING EXTRACTS.

On or about October 19, 1909, the Western Candy and Bakers Supply Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Illinois a consignment of three flavoring extracts labeled, respectively: "Extra Extract Orange. Western Candy & Bakers Supply Co., largest supply house in the West, importers and manufacturers of essential oils and extracts, 109-11-13 S. 11th Street, St. Louis, Mo.," "Extract of Lemon. Western Candy and Bakers Supply Co., largest supply house in the West. Essential Oils and Extracts. 109-111-113 S. 11th Street, St. Louis, Mo.," and "Extr. Rose. Western Candy and Bakers Supply Co. Largest Supply House in the West. Importers and Manufacturers of Essential Oils and Extracts. 109-111-113 S. 11th Street, St. Louis, Mo." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results for the orange extract: Sp. gr. at 15.6° C. 0.9471; orange oil none; aldehyde as citral 0.07 per cent; color—not coal tar—apparently natural; ethyl alcohol by volume 44.60 per cent; the following results for the lemon extract, lemon oil by ppt. none; lemon oil by polar none; sp. gr. 15.6° C. 0.9853; citral 0.11 per cent; alcohol by volume 21.20 per cent; and the following results for the rose extract: Oil by gravimetric determination 0.35 per cent, and coal-tar dye and other undetermined coloring matter; product is a solution of oil in strong alcohol plus artificial color. As the findings of the analyst and report made showed that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Western Candy and Bakers Supply Company, Incorporated, and the parties from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was 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 Eastern District of Missouri against the said Western Candy and Bakers Supply Company, Incorporated, charging the above shipment and alleging the orange extract so shipped to be adulterated in that said bottles contained a liquid which was not extract of orange, but was a highly dilute alcoholic solution of citral containing no orange oil, and that pure orange extract contains not less than 5 per cent by volume of oil of orange; that in the manufacture of said liquid contained in said bottles a highly dilute alcoholic solution of citral containing no oil of orange had been substituted for the article, and that said highly dilute alcoholic solution of citral had been mixed and packed with the liquid contained in said bottles so as to reduce and lower and injuriously affect the quality and strength of said liquid, and further alleging said orange extract to be misbranded in that said bottles contained a liquid which was not extract of orange but was a highly dilute alcoholic solution of citral containing no orange oil, and that true orange extract contains not less than 5 per cent by volume of oil of orange; that in the manufacture of said liquid contained in said bottles a highly dilute alcoholic solution of citral, containing no oil of orange, had been substituted for the article, and that said highly dilute solution of citral had been mixed and packed with the liquid contained in said bottles so as to reduce and lower and injuriously affect the quality and strength of said liquid; that said article was an imitation and offered for sale under the distinctive name of another article, and that the label thereof was false and misleading and that said article was so labeled as to deceive and mislead the purchaser; and alleging the lemon extract so shipped to be adulterated in that said bottles contained a liquid which was not extract of lemon; that the said liquid contained no oil of lemon, and that true extract of lemon is made from and contains 5 per cent by volume of oil of lemon; that in the manufacture of said liquid contained in said bottles a highly dilute alcoholic solution of citral had been substituted for the article; that said highly dilute alcoholic solution of citral had been mixed with and packed with the liquid contained in said bottles so as to reduce and lower and injuriously affect its quality and strength, and that said article was artificially colored whereby its inferiority was concealed, and further alleging the lemon extract to be misbranded in that the said bottles contained a liquid which was not extract of lemon; that the said liquid contained no oil of lemon; that true extract of lemon is made from and contains 5 per cent by volume oil of lemon, and that in the manufacture of said liquid contained in said bottles a highly dilute alcoholic solution of citral had been substituted for the article; that said highly dilute alcoholic solution of citral had been mixed and packed with the liquid contained in said bottles so as to

reduce and lower and injuriously affect its quality and strength; that said article was artificially colored whereby its inferiority was concealed; that said article was an imitation and offered for sale under the distinctive name of another article, and that the label thereof was false and misleading, and that said article was so labeled as to deceive and mislead the purchaser thereof; and alleging the rose extract so shipped to be adulterated in that said bottles contained a liquid which was not extract of rose; that said liquid was an artificial preparation and solution of oils in alcohol artificially colored and containing no attar of roses; that true extract of rose contains not less than 0.4 of 1 per cent by volume of attar of roses, and that in the manufacture of said liquid contained in said bottles a solution of oils and alcohol artificially colored and containing no attar of roses had been substituted for the article; that said solution of alcohol and oils as aforesaid had been mixed and packed with the liquid contained in said bottles so as to reduce and lower and injuriously affect its quality and strength, and that said article was artificially colored whereby its inferiority was concealed; and further alleging the said rose extract to be misbranded in that said bottles contained a liquid which was not extract of rose; that said liquid was an artificial preparation and solution of oils in alcohol artificially colored and containing no attar of roses; that true extract of rose contains not less than 0.4 of 1 per cent by volume of attar of roses, and that in the manufacture of said liquid contained in said bottles a solution of oils and alcohol artificially colored and containing no attar of roses had been substituted for the article; that said solution of alcohol and oils, as aforesaid, had been mixed and packed with the liquid contained in said bottles so as to reduce and lower and injuriously affect its quality and strength; that said article was artificially colored whereby its inferiority was concealed; that said article was an imitation and offered for sale under the distinctive name of another article; that the label thereof was false and misleading and that said article was so labeled as to deceive and mislead the purchaser.

On November 7, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$60 and costs.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 26, 1911.*