

Issued October 31, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2559.

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

U. S. v. 5 One-Gallon Bottles Lemon Extract. Product released on bond.

MISBRANDING OF SO-CALLED LEMON EXTRACT.

On June 17, 1911, the United States Attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 one-gallon bottles of so-called lemon extract remaining unsold in the original unbroken packages and in possession of Charles Hufschmidt, East St. Louis, Ill., alleging that the product had been shipped from the State of Michigan into the State of Illinois and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Confectioners concentrated C. X. C. lemon soluble Terpeneless, each pint presents the full flavoring strength of two hundred or more ripe fruits, etc." "The above preparation having the insoluble terpenes removed." "Our C. X. C. terpeneless products contain the valuable flavoring constituents of 30 per cent of their volume essential oil." "Six times standard strength."

Misbranding of the product was alleged in the libel for the reason that none of the bottles contained the full flavoring strength of 200. or more of ripe fruits and none of them contained the valuable flavoring constituents of 30 per cent of their volume essential oil, and none of them contained six times standard strength, as they purported to contain, but contained a mixture or compound of total aldehydes as citral 0.71 per cent, citral by Hiltner method 0.59 per cent, citral by Kleber method 0.68 per cent, lemon terpenes 1.4 per cent, and the labeling of said bottles was misleading and false so as to deceive and mislead the purchaser.

On November 16, 1911, Foote & Jenks, Jackson, Mich., claimants, filed their demurrer to the libel on the ground that said libel failed to allege that the product was transported from Michigan into Illinois "for sale" and on November 16, 1911, the court overruled the demurrer.

Thereafter said claimants filed an answer to the libel denying the charges of misbranding therein. On November 29, 1912, the case having come on for final hearing, the court ordered that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 8, 1913.*

2559

