

**ADULTERATION AND MISBRANDING OF LEMON EXTRACT.**

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 26th day of April, 1909, in the district court of the United States for the western district of Missouri, in a prosecution by the United States against the Paddock Coffee and Spice Company, a corporation of Kansas City, Mo., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Missouri to Kansas an adulterated and misbranded lemon extract, said Paddock Coffee and Spice Company entered a plea of guilty and the court imposed upon it a fine of \$25.

The facts in the case were as follows:

On August 5, 1907, an inspector of the Department of Agriculture purchased from Henry Kulka, Kansas City, Kans., a sample (I. S. No. 1439) of a food product labeled "Paddock's Standard Lemon Flavor. Made from Oil of Lemon, Alcohol, and Water. Paddock Coffee & Spice Co., Kansas City, Mo." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

Lemon oil .....	Absent.
Anilin dye.....	Absent.
Turmeric .....	Absent.
Citral .....	Trace.

Lemon extract, or flavor, as recognized by reliable manufacturers and dealers, is an 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. The analysis of the aforesaid sample disclosed practically the total absence of oil of lemon; hence the article was adulterated within the meaning of section 7 of the act in that a mixture of substances lacking the essential ingredient had been substituted wholly for lemon flavor, which it purported to be, and was misbranded within the meaning of section 8 of the act in that it was labeled "Standard Lemon Flavor. Made from oil of lemon," which statements were false, misleading, and deceptive, because it was not a standard flavor and contained no oil of lemon.

It appearing from the aforesaid analysis that the article was adulterated and misbranded, the Secretary of Agriculture gave notice to Henry Kulka, the dealer from whom the sample was purchased, who in turn notified the Paddock Coffee and Spice Company, the manufacturer and shipper. On November 26, 1907, an opportunity to be heard was afforded said Paddock Coffee and Spice Company, and said company being the party solely responsible for the adulteration

and misbranding of the article, and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was adulterated and misbranded, on June 17, 1908, the said Secretary reported the facts and evidence (F. & D. No. 113) to the Attorney-General, by whom they were referred to the United States attorney for the western district of Missouri, who filed an information against the said Paddock Coffee and Spice Company, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 10, 1910.*

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(N. J. 137.)

### MISBRANDING OF CHEESE.

(UNDER WEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act, June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of *The United States v. 50 Packages of Cheese*, a proceeding of libel under section 10 of the act in the district court of the United States for the western district of North Carolina for seizure and condemnation of the said cheese for the reason that it was misbranded within the meaning of section 8 of the act in that the box containing it bore figures falsely representing its weight. Baird Brothers, Asheville, N. C., consignees of the cheese, having set up their claim thereto and agreeing with the United States attorney to submit the matter to the court for decision, and the matter having come on for final hearing on March 1, 1909, upon the statements of the respective parties the court adjudged the cheese misbranded and rendered its decree of condemnation and forfeiture in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES, WESTERN DISTRICT OF NORTH  
CAROLINA—AT ASHEVILLE.

UNITED STATES OF AMERICA }  
                                  *v.* }  
50 PACKAGES OF CHEESE. }

This cause coming on to be heard, and it appearing to the court that upon the libel filed herein warrant of arrest was duly issued and served on the 21st day of January, 1909, and that by virtue of said warrant the marshal has seized and now holds 50 boxes of cheese, of the approximate value of \$250, the said 50 boxes of cheese having been seized upon the premises and in the possession of Baird Bros., a partnership formed and doing business in the city of Asheville, N. C., within the said district, and that the said cheese is now in storage in the custody of the said marshal; and it appearing that Baird Bros.,