

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 141, FOOD AND DRUGS ACT.

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 1st day of July, 1909, in the District Court of the United States for the Eastern District of Wisconsin, in a prosecution by the United States against A. J. Hilbert & Company, a corporation of Milwaukee, Wisconsin, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Wisconsin to Minnesota a misbranded lemon extract, said A. J. Hilbert & 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 January 9, 1908, an inspector of the Department of Agriculture purchased from Latsch & Son, Winona, Minnesota, a sample (I. S. No. 12952) of a food product labeled: "Perfecto Terpeneless Lemon Flavor Absolutely Pure, Manufactured by National Extract Works, A. J. Hilbert & Co., Milwaukee, U. S. A." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

Specific gravity.....	(15.6° C) ..	0.9592
Citral	(per cent) ..	.035
Alcohol.....	(volume per cent) ..	35.2
Methyl alcohol.....		Absent.
Color		Strong, lemon peel.

Terpeneless lemon extract, or flavor, as recognized by reliable manufacturers and dealers, is the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving oil of lemon in dilute alcohol, and containing not less than two-tenths per cent by weight

of citral derived from oil of lemon. The analysis of the aforesaid sample disclosed the fact that there was but a very small quantity of citral present, hence it was misbranded within the meaning of section 8 of the act in that it was labeled: "Perfecto Terpeneless Lemon Flavor Absolutely Pure," which statements were false, misleading, and deceptive in that it was only about one-fifth of the standard strength.

It appearing from the aforesaid analysis that the article was misbranded, the Secretary of Agriculture gave notice to Latsch & Son, the dealers from whom the sample was purchased, and also to A. J. Hilbert & Company, the manufacturer and shipper, and gave them an opportunity to be heard. Said company being the party solely responsible for the 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 misbranded, on December 29, 1908, the said Secretary reported the facts and evidence (F. & D. No. 286) to the Attorney General by whom they were referred to the United States Attorney for the Eastern District of Wisconsin who filed an information against the said A. J. Hilbert & Company with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 10, 1910.

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