

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 339, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF FLAVORING EXTRACTS.

On or about August 16 and September 7, 1907, the Forbes Bros. Tea & Spice Company, of St. Louis, Mo., shipped from the State of Missouri to the State of Mississippi and the State of Texas consignments of products labeled, respectively: "Forbes Elegant Flavoring Extract, Highly Concentrated Lemon Flavor for flavoring Sauces, Custards, Jellies, Ice Cream, etc. Prepared by Forbes Bros., St. Louis, Mo.;" "Forbes Elegant Flavoring Extracts, Highly Concentrated Strawberry, for flavoring Sauces, Custards, Jellies, Ice Cream, etc. Prepared by Forbes Bros. & Co., St. Louis, Mo.;" and "Pure Concentrated Extract of Lemon Flavor, Imperial Extract Company, of St. Louis, Mo."

Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analysts and the reports made that the said shipments were made in violation of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Forbes Bros. Tea & Spice Company, and the dealers from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said products were adulterated and misbranded, the Secretary of Agriculture reported the facts to the Attorney General, with statements of the evidence upon which to base prosecutions. In due course criminal informations were filed against the Forbes Bros. Tea & Spice Company in the District Court of the United States for the Eastern District of Missouri, charging the above shipments and alleging that the product labeled "Forbes Elegant Flavoring Extract, Highly Concentrated Lemon Flavor,"

was adulterated, in that a highly dilute alcohol solution of citral had been substituted in whole or in part for the genuine food product, and had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and was misbranded, in that the form of label was false, misleading, and deceptive, because it represented the product to be a highly concentrated lemon extract, whereas, in truth, it was not a lemon extract, contained no lemon flavor, and was not highly concentrated, but consisted of a highly dilute alcohol solution of citral; the product labeled "Forbes Elegant Flavoring Extracts, Highly Concentrated Strawberry," was adulterated, in that an artificial compound, made out of alcohol and other chemicals to imitate the flavor of strawberry, had been substituted wholly for the genuine article, and was artificially colored in a manner to conceal its inferiority, and was misbranded, in that the form of label was false, misleading, and deceptive, because the product was not highly concentrated extract of strawberry, but an imitation extract of strawberry, prepared from alcohol and other chemicals, artificially colored to conceal its inferiority, and artificially flavored; and the product labeled "Pure Concentrated Extract of Lemon Flavor" was adulterated, in that an artificial compound containing no oil of lemon, and artificially colored in a manner to conceal its inferiority, had been substituted in whole or in part for the genuine food product, and, further, in that the product contained a poisonous and deleterious ingredient, to wit, methyl alcohol (wood alcohol), and was misbranded, in that the label represented it to be an extract of lemon, which form of labeling was false, misleading, and deceptive, as it was not an extract of lemon, but a liquid artificially compounded and containing no oil of lemon, and artificially colored in a manner to conceal its inferiority, and, further, in that said article was an imitation of and offered for sale under the distinctive name of another article.

These informations were consolidated and tried as one case, and, a jury having been demanded by the defendants, on November 15, 1909, the jury, after hearing the testimony and argument of counsel, rendered a verdict of guilty, and the court imposed upon the defendant a fine of \$400.

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., *May 12, 1910.*