

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 975, FOOD AND DRUGS ACT.

MISBRANDING OF "FIGPRUNE CEREAL."

On or about July 12, 1910, the Figprune Cereal Company, San Jose, Cal., shipped from the State of California into the State of Minnesota 35 cases of a food product labeled: "Pure grain and fruit. A blood maker; a health restorer; a brain feeder; a nerve preserver; trade mark registered. Figprune. Made of grain and fruit. A palatable meal-time drink. More satisfying than tea or coffee without possessing the detrimental effects of those beverages. A combination of natures products. Prepared by the Figprune Cereal Company, of San Jose, California, U. S. A." A sample of this shipment was procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of wheat bran and figs and to possess no particular value as a nerve preserver, brain feeder, or health restorer. As it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

In due course a libel was filed in the District Court of the United States for said district against the product involved in the above shipment, charging said shipment and alleging the product to be misbranded because it was labeled as above set forth, which label was such as to mislead and deceive the purchaser, as the product in question had no value as a nerve preserver, brain feeder, or health restorer. The libel also prayed seizure, condemnation, and forfeiture of the product.

On March 27, 1911, the cause came on for hearing, and the court being fully informed in the premises issued its decree finding the product to be misbranded as alleged in the above libel, and condemning and forfeiting the same to the use of the United States, with the proviso, however, that said merchandise should be delivered to the above-mentioned Figprune Cereal Company at San Jose, Cal., upon the payment of all the costs of these proceedings and the execution of a good and sufficient bond in the sum of \$200, conditioned that the product in question should not be sold or otherwise disposed of contrary to law. The costs having been paid by said company and bond furnished in accordance with the terms of the above decree. the product in question was released to said claimant.

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., *June 20, 1911.*

