

2979. Adulteration and misbranding of headache powders. U. S. v. Benjamin L. Lambert (Lambert & Lowman). Plea of guilty. Fine, \$50. (F. & D. No. 4825. I. S. No. 23975-d.)

On February 1, 1913, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benjamin L. Lambert, successor of Benjamin L. Lambert and Oscar Lowman, copartners, under the firm name and style of Lambert & Lowman, doing business under said name at Detroit, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 30, 1912, from the State of Michigan into the State of New York, of a quantity of headache powders which were adulterated and misbranded. The product was labeled: "Headache Powders. Each powder contains 4 grains Acetanilid. A sure relief for Headache of all origins, whether Sick, Biliary, Nervous, or Hysterical. These powders contain no Morphine, Quinine, Bromides or Narcotics. They are not a Cathartic. Directions: Place a Powder on the tongue and swallow with a draught of water; repeat the dose in half hour if necessary. Dose for children under 18 years, half powder in water. Prepared for Rudin's Modern Drug Stores, 98 Clinton, cor. Oak; 163 Broadway, cor. Michigan, Buffalo, N. Y. Serial No. 1998."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Acetanilid (grains per powder).....	3.232
Caffein (grains per powder).....	0.417

Adulteration of the product was alleged in the information for the reason that it was found by analysis to contain a strength below the professed standard under which it was sold, to wit, 4 grains of acetanilid, said product being deficient in acetanilid. Misbranding was alleged for the reason that the product had printed thereon, on each of the envelopes containing the individual powder, the language comprising the aforesaid label, in that the statement, to wit, "Each powder contains 4 grains Acetanilid," borne on the aforesaid label, was false and misleading, an analysis of the product demonstrating that the powders did not contain 4 grains of acetanilid, but, on the contrary, contained on the average only, to wit, 3.232 grains of acetanilid, said statements relating to the ingredients and substances contained in said headache powders. Misbranding was alleged for the further reason that the label and package containing the powders failed to bear a statement of the quantity or proportion of acetanilid contained therein in type sufficiently large to comply with the rules and regulations for the enforcement of the Food and Drugs Act, to wit, regulation 17, paragraph c thereof, and said statement of said substances not being declared in type sufficiently large to attract the attention of the purchaser thereof, so as to plainly inform said purchaser of the presence of the aforesaid substances therein.

On February 3, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2980. Adulteration and misbranding of cocoa. U. S. v. J. G. McDonald Chocolate Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 4830. I. S. No. 2781-d.)

On February 3, 1913, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the J. G. McDonald Chocolate Co., a corporation, Salt Lake, Utah, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 16, 1911, from the State of Utah into the State of Wyoming, of a quantity of cocoa, in cans, which was adulterated and misbranded. The product was labeled: "McDonald Salt Lake Cocoa J. G. McDonald

Company, Salt Lake Utah, U. S. A. The Best Cocoa in The World. Celebrated for its Strength, Nutritive Qualities, Perfect Digestibility, Delicate Flavor, Absolute Purity, and being Soluble. Better and Cheaper than Tea or Coffee. The most renowned Physicians in the world recommend Cocoa for both Sick and Well. McDonald's Cocoa is a Pure Food, capable of being perfectly assimilated, giving Strength to the Strong and Nourishment to the Weak. McDonald's Cocoa Quality is equal to the quality of his famous Chocolates."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent).....	2.60
Cocoa fat (per cent).....	31.76
Sucrose and lactose: None detected.	
Ash (per cent).....	8.00
Water-soluble ash (per cent).....	6.58
Water-insoluble ash (per cent).....	1.42
Hydrochloric acid insoluble ash (per cent).....	0.06
Alkalinity of soluble ash (cc N/10 acid per gram).....	6.05
Alkalinity of insoluble ash (cc N/10 acid per gram).....	4.25
Nitrogen (per cent).....	2.60
Crude fiber (per cent).....	4.41
Microscopic examination: Nothing abnormal noted.	
Total ash (calculated on basis of water and fat-free substance) (per cent).....	12.18
Alkalinity of ash (calculated on above basis) (cc N/10 acid per gram sample, equivalent to 7.38 per cent K ₂ O).....	15.70
Soluble ash in total ash (per cent).....	82.20
Insoluble ash in total ash (per cent).....	17.80

Adulteration and misbranding of the product were alleged in the information for the reason that in each of the cans a substance other than cocoa, to wit, a mineral substance, had been substituted in part for cocoa, and said label hereinbefore set forth was false and misleading in that it conveyed, and was intended by the defendant to convey, the impression that the contents of the cans was pure cocoa, whereas, in truth and in fact, a substance other than cocoa, to wit, a mineral substance, had been substituted in part for cocoa.

On February 10, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10 with costs of \$12.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2981. Misbranding of cheese. U. S. v. 163 Boxes of Cheese. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 4832. S. No. 1589)

On November 22, 1912, the United States attorney for the Middle District of Alabama, 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 68 boxes of cheese of about 23 pounds each, and 95 boxes of paraffined cheese of about 22 pounds each, remaining unsold in the original unbroken packages and in possession of the Winter-Loeb Grocery Co., Montgomery, Ala., alleging that the 68 boxes had been shipped on October 28, 1912, and the 95 boxes on November 6, 1912, by Crosby & Meyers, Chicago, Ill., from Nashville, Tenn., and transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Striped Cheese is surely full cream—others may be. Oak Leaf Brand Cheese Winter-Loeb Grocery Co. Montgomery, Ala. Crosby & Meyers, Chicago, Shippers." (In pencil figures) "23." Each of the 68 boxes bore the pencil figure "23" and each of the 95 boxes bore the pencil figure "22," said numbers indicating the contents in pounds in each box of cheese.