

3693. Adulteration and misbranding of ferro-china bitters and gran liquore della stella. U. S. v. 2 Cases of Bitters and Liquors. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5863. I. S. Nos. 26510-h, 26511-h, 26512-h. S. No. E-90.)

On August 15, 1914, the United States attorney for the District of New Jersey, 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 2 cases of bitters, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the products had been shipped on or about July 24, 1914, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. One of the cases was labeled: "Ferro-China." The bottles in this case were labeled: "Ferro-China-Bitters. Iron Bitters. Liquore Tonic. Questa Liquore fatto a base di Ferro e China con erbe molto benefiche per gli anemici, e per coloro che soffrono di inappeenze ecc. E 'raccomandato da celebrato' Mediche. This liquor is a compound of Iron-China, and other herbs, Benefitting those suffering from Dyspepsia, lack of appetite, etc., and is recommended by medical celebrities." The label also had upon it white circles bearing the word "Anti-malarico." The words "Ferro-China" were blown in each bottle. On the metal cap of the bottle were the words "Ferro-China." On the neck band of the bottle were the words "Ferro-China Bitters." On the small square sticker on the bottle were the words "Bevete Il Ferro" and a tiger's head. The bottles in the other case were labeled: (On the neck of each bottle) "Stomachic Digestive." (On the circular label on each bottle) "Marca Di Fabrica Depositata." (On the principal label) "Gran Liquore Della Stella, Specialita Italiana."

Adulteration of the products was alleged in the libel for the reason that a substance, to wit, methyl alcohol, had been mixed and packed therewith so as to reduce, lower, and injuriously affect the quality and strength thereof, and for the further reason that methyl alcohol had been substituted wholly or in part for ethyl alcohol, and further for the reason that the products contained a deleterious ingredient, to wit, methyl alcohol, which might render the same injurious to health. Misbranding was alleged for the reason that the products contained alcohol and there was no statement on the labels thereof of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the labels on the bottles containing the products were so constructed as to convey the impression that said products were of foreign origin, which was false and misleading.

On December 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*