

Misbranding of the article was alleged for the reason that the statements borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, and that said article was a foreign product, to wit, an olive oil produced at Lucca, in the kingdom of Italy, and that the can contained one gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, was not a foreign product, to wit, an olive oil produced at Lucca, in the kingdom of Italy, and said can did not contain one gallon net of the article, but was a mixture composed in part of cottonseed oil and was a domestic product, to wit, a product manufactured in the United States of America, and said can contained less than one gallon net of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On December 31, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$90.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6857. Misbranding of Green Mountain Herb Tea, Sabine's Indian Vegetable Tea, and Sabine's Indian Vegetable Cough Balsam. U. S. * * * v. Herman C. Lemke and Mary Sabine (A. J. Lemke Medicine Co.). Plea of guilty as to Herman C. Lemke. Fine, \$300. Nolle prosequi entered as to Mary Sabine. (F. & D. No. 9203. I. S. Nos. 10572-p, 10573-p, 10574-p.)

On January 27, 1919, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman C. Lemke and Mary Sabine, co-partners, trading as the A. J. Lemke Medicine Co., Milwaukee, Wis., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 1, 1917, from the State of Wisconsin into the State of Illinois, of quantities of three articles, labeled in part, respectively, "Green Mountain Herb Tea," "Sabine's Indian Vegetable Tea," and "Sabine's Indian Vegetable Cough Balsam," which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the Green Mountain Herb Tea and the Indian Vegetable Tea to consist essentially of senna, fennel, elder flowers, anise, triticum, sassafras, American saffron, coriander, licorice root, butternut bark, buckthorn, and Epsom salts, and the Indian Vegetable Cough Balsam to consist essentially of sugar, tar, resins, traces of alkaloids, chloroform, alcohol, and water, flavored with aromatics.

It was alleged in substance in the information that the Green Mountain Herb Tea was misbranded for the reason that certain statements appearing on the packages falsely and fraudulently represented it as a treatment, remedy, and cure for indigestion, liver complaint, dyspepsia, sick headache, kidney complaints, pimples on the face; to purify the blood, to prevent malarial disorders, to make new rich, red blood, to strengthen and invigorate; and as a treatment, remedy, and cure for the different diseases to which women and children are subject, when, in truth and in fact, it was not.

It was alleged in substance that the Indian Vegetable Tea was misbranded for the reason that certain statements borne on the labels of the packages falsely and fraudulently represented it as a treatment, remedy, and cure for sick and nervous headache and indigestion; to purge out all foul humors, to create new rich blood; and as a cure for all scaly eruptions of the skin, humor in

the eyes, pimples on the face, scrofula, salt rheum, tetter, and discharges from the ear; and as a treatment, remedy, and cure for the different diseases of delicate females and young children, when, in truth and in fact, it was not.

It was alleged in substance that the Indian Vegetable Cough Balsam was misbranded for the reason that certain statements borne on the labels of the bottles and wrappers falsely and fraudulently represented it as a cure for coughs, colds, hoarseness, bronchitis, incipient consumption, whooping cough; and as a cure for lung complaints; and as a treatment and remedy for incipient consumption, and all throat and lung complaints, when, in truth and in fact, it was not.

On February 7, 1919, Herman C. Lemke entered a plea of guilty to the information, and the court imposed a fine of \$300; a nolle prosequi was entered as to Mary Sabine.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6858. Adulteration and misbranding of Egg-O. U. S. * * * v. Christian F. Schoenewolf (Egg-O Co.). Plea of nolo contendere. Fine, \$150 and costs. (F. & D. No. 9205. I. S. Nos. 3375-p, 3823-p, 4066-p.)

On January 15, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christian F. Schoenewolf, trading as the Egg-O Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on March 5, 1918, and March 6, 1918 (2 shipments), from the State of Maryland into the District of Columbia, of quantities of an article, labeled in part "Egg-O," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to consist essentially of corn starch, milk casein, baking powder, and to be artificially colored with Tartrazine and a small amount of Orange I and to weigh less than $1\frac{3}{4}$ ounces.

Adulteration of the article in each shipment was alleged in the information for the reason that it was an article inferior to an egg substitute, that is to say, inferior to an article that takes the place of eggs or to an article that produces practically the same result as eggs, to wit, a mixture composed of corn starch, milk casein, and baking powder, and said mixture was artificially colored with certain coal tar dyes, to wit, Tartrazine and Orange I, so as to simulate the appearance of a product composed in part of eggs, in a manner whereby its inferiority to a product composed in part of eggs was concealed.

Misbranding of the article in each shipment was alleged for the reason that the statements, to wit, "Takes the place of eggs" This package used same as 12 eggs. It is a scientific discovery that produces practically the same result as eggs," and "Average weight $1\frac{1}{4}$ oz.," borne on the packages containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was an egg substitute, that is to say that said article would take the place of eggs, and that the contents of each of said packages could be used the same as twelve eggs, and that said article produced practically the same result as eggs, and that the contents of each of said packages had an average weight of $1\frac{1}{4}$ ounces, whereas, in truth and in fact, it was not an egg substitute, that is to say, said article would not take the place of eggs, and the contents of each of said packages could not be used the same as 12 eggs and did not produce practically the same result as eggs. in that it was a mixture composed of corn starch, milk casein, and baking powder artificially colored, which had no value as an egg substitute, and the contents of each of said packages did