

fifth pound" or "one-half pound," as the case may be, "\* \* \* The Cocoa Contained in this package is Positively High Grade and guaranteed by the manufacturers to comply with all Federal and State Food Laws. It is a breakfast cocoa of Superior Quality and Excellence \* \* \* Absolutely Pure No Alkalis No Chemicals \* \* \*" (inconspicuously stamped on side panel) "My own cocoa compound containing corn starch cocoa sugar."

It was alleged in substance in the libel that the strength and purity of the product fell below the standard professed in the marks and brands as above quoted, and [it] was not the product that it purported to be by the aforesaid marks and brands, and that certain foreign substances had been substituted in whole or in part for cocoa, so as to reduce and lower and injuriously affect the quality and strength of the article, and that the same was adulterated.

It was further alleged in substance that the aforesaid marks and brands on each of the packages, regarding the article, were false and misleading in that the article was an imitation of the product which it purported to be by the aforesaid marks and brands; it was further alleged that the product was an imitation of, and offered for sale under the name set forth in said marks and brands, and said product was not the product named in said marks and brands. It was alleged that the product was further misbranded in that the statement "Cocoa" in prominent letters appeared on the front and back panels of the packages and the statement "Pure Cocoa" appeared on each side of the packages, and the statement "The Cocoa Contained in this package is Positively High Grade" appeared on the side panel of the packages, and said statements and each of them were false and misleading in that the product was an imitation of the product which it purported to be by the aforesaid marks and brands. It was further alleged that the statements "Cocoa," "Pure Cocoa," and "The Cocoa Contained in this package is Positively High Grade," all of which statements appeared in conspicuous type, were not sufficiently corrected by the statement inconspicuously stamped on the side panel of the package, to wit, the statement, "My own cocoa compound containing corn starch cocoa sugar." It was alleged that the product in a portion of said packages was misbranded for the further reason that certain of the packages were labeled "Net Weight  $\frac{1}{2}$  Lb.," whereas the product was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On February 24, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal after the removal and obliteration of all branding on the product and the rebranding of the same "Cocoa containing Corn Starch and Sugar." On April 3, 1920, it appearing to the court that the marshal had found it impossible to sell the product, it was ordered by the court that the marshal destroy the same.

E. D. BALL, *Acting Secretary of Agriculture.*

**7641. Adulteration of oranges. U. S. \* \* \* v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 9709. I. S. Nos. 5765-r, 5766-r. S. No. C-1067.)

On February 3, 1919, the United States attorney for the Western District of Missouri, 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 462 boxes of oranges, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about January 25, 1919, by the Sutherland Fruit Co., Riverside, Calif.,

and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Native Brand Packed by Sutherland Fruit Co. California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, putrid vegetable substance.

On February 13, 1919, the said Sutherland Fruit Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that same should not be sold until inspected by a representative of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

**7642. Misbranding of Brou's Injection. U. S. \* \* \* v. 11½ Dozen Bottles \* \* \* Brou's Injection. Decree of condemnation, forfeiture, and destruction.** (F. & D. No. 10643. I. S. No. 7670-r. S. No. C-1305)

On June 23, 1919, the United States attorney for the Western District of Oklahoma, 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 11½ dozen bottles of Brou's Injection, remaining unsold at Oklahoma City, Okla., alleging that the article had been shipped by E. Fougere & Co., Inc., New York, N. Y., on or about September 27, 1918, and transported from the State of New York into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Brou's Injection \* \* \* E. Fougere, A Company, Inc., New York."

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted of acetates and sulphates of lead and zinc, opium, water, and a small amount of alcohol.

Misbranding of the article was alleged in substance in the libel for the reason that the wrapper label, bottle label, and circular accompanying each bottle bore and contained statements, designs, and devices, regarding the curative and therapeutic effects of said drug article and of the ingredients and substances contained therein, which were false and fraudulent in that said drug article contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the wrapper label, bottle label, and in the accompanying circular, in part as follows, to wit, (wrapper) "Brou's Injection \* \* \* preservative;" (bottle, in French) "Hygienic and preservative Brou's Injection \* \* \* against discharges recent or chronic and against white flowers;" (circular) "Brou's Injection hygienic and preservative for the cure of all recent and chronic discharges of the urinary organs (Gonorrhœa, Leucorrhœa and Gleet) Brou's Injection will always be more successful if it be used immediately after the first appearance of disease. For ladies the injection should be used \* \* \* Brou's Injection used as preservative \* \* \*"

On October 16, 1919, the Alexander Drug Co., Oklahoma City, Okla., having filed its answer to the libel, setting forth that it had bought the product in good faith without the knowledge that the same was misbranded, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the U. S. marshal without costs to the said Alexander Drug Co.

E. D. BALL, *Acting Secretary of Agriculture.*