

8106. Misbranding of Big G. U. S. * * * v. 1¼ Dozen Bottles of a Product Labeled in Part "Big G A Compound of Borated Goldenseal." Judgment of condemnation, forfeiture, and destruction. (F. & D. No. 11018. I. S. No. 16544-r. S. No. E-1658.)

On July 24, 1919, the United States attorney for the Southern District of Georgia, 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 a certain quantity of a certain article, labeled in part "Big G," remaining unsold in the original unbroken packages at Macon, Ga., alleging that the article had been shipped on or about June 16, 1919, by the Evans Chemical Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an aqueous solution of borax and berberine.

Misbranding of the article was alleged in substance in the libel in that certain statements regarding the curative or therapeutic effects of the article, appearing on the labels on the bottles containing, on the carton enclosing, and in the circular accompanying the article, falsely and fraudulently represented the article to be effective as a remedy for catarrh, hay fever, and inflammatory ulcerations of mucous membranes or linings of the nose, throat, stomach, and urinary organs, a treatment for unnatural discharges of the urinary organs, catarrh, hay fever, and inflamed, ulcerated, itching conditions of the skin and mucous membranes or linings of the mouth, nose, throat, eyes and ears, inflammation of the eye, cystitis, gastritis, catarrh of the stomach, hemorrhoids, piles, throat troubles, gonorrhœa, gleet, chronic gonorrhœa, stricture, folliculitis, gonorrhœal prostatitis, bubo, gonorrhœal cystitis, leucorrhœa, whites, catarrh of the vagina, gonorrhœa in women, and other venereal diseases, whereas, in truth and in fact, the article was not effective.

On May 3, 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 destroyed by the United States marshal.

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

8107. Adulteration and misbranding of Eggola. U. S. * * * v. Wixon Spice Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 11037. I. S. No. 15712-p.)

On December 31, 1919, the United States attorney for the Northern District of Illinois, 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 Wixon Spice Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 13, 1918, from the State of Illinois into the State of South Dakota, of a certain quantity of an article, labeled in part "Eggola," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of cornstarch, dried egg, and bicarbonate of soda.

Baking tests with a sample of the article by the Bureau of Chemistry of this department showed that the product was markedly inferior in texture, color, and flavor to a similar product made with eggs.

Adulteration of the article was alleged in that a certain substance, to wit, starch, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength.

Misbranding of the article was alleged in that the article was an imitation of another article and was offered for sale and sold under the distinctive name

of another article. Further misbranding was alleged in that statements on the label on the package containing the article, regarding the article, to wit, "Eggola A Substitute for Eggs in Baking, Cooking, Etc." "Use one level teaspoonful of Eggola * * * for each egg required," "In baking and cooking it is unsurpassed," and "Use Eggola for eggs," were false and misleading in that they represented that the article was a substitute for eggs and could be used in place of eggs for cooking, whereas, in truth and in fact, it was not a substitute for, and could not be used in place of, eggs. Further misbranding was alleged in that the article was so labeled as to deceive and mislead the purchaser into the belief that the article was an egg substitute and could be used in place of eggs for cooking, whereas, in truth and in fact, it was not a substitute for, and could not be used in place of, eggs in cooking.

On March 23, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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

§108. Adulteration and misbranding of so-called California zinfandel wine. U. S. * * * v. 5 Barrels of So-Called California Zinfandel Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11055. I. S. No. 12961-r. S. No. E-1626.)

On August 11, 1919, the United States attorney for the District of Connecticut, 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 a certain product, labeled in part "Cal. Zinfandel Extra Under 14% Alcohol," remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped on or about May 10, 1919, by Di Paola Bros., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a number of samples of the article by the Bureau of Chemistry of this department showed that it contained less than 1 per cent by volume of alcohol, that it contained added water, and that one sample contained an added coloring substance, probably amaranth.

Adulteration of the article was alleged in the libel in that water had been mixed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article. Further adulteration was alleged in that certain coloring matter had been added to the article for the purpose of concealing the article's inferiority, and whereby its inferiority was concealed.

Misbranding of the article was alleged in that certain statements on the label, to wit, "Cal. Zinfandel Extra Under 14% Alcohol * * * In Bond," was false and misleading in that it was intended to induce the purchaser to believe that the article was zinfandel extra wine, whereas, in truth and in fact, it was not, but was a product deficient in alcohol and containing added water. Further misbranding of the article was alleged in that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On October 20, 1919, 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 destroyed by the United States marshal.

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