

the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that the product be relabeled as "Flour Spaghetti," under the supervision of this department.

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

**8855. Adulteration and misbranding of gelatin. U. S. \* \* \* v. W. B. Wood. Plea of nolo contendere. Plea of \$25 on each of counts 1, 2, 3, 5, 6, 7, and 8, a total of \$175 and costs. Count 4 dismissed. (F. & D. No. 12331. I. S. Nos. 6076-r, 6961-r, 7826-r, 7827-r.)**

On September 14, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 8 counts against W. B. Wood, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 2, 1918, from the State of Missouri into the State of Arkansas, on or about September 27, 1918, from the State of Missouri into the State of Oklahoma, and on or about April 1, 1919, and April 16, 1919, respectively, from the State of Missouri into the State of Minnesota, of quantities of gelatin which was adulterated and misbranded. The Arkansas and Oklahoma consignments were unlabeled. The Minnesota consignments were labeled in part, "Pure Food Gelatine" and "Gelatine," respectively.

Analyses of samples of the article taken from all consignments by the Bureau of Chemistry of this department showed the presence of glue and excessive quantities of zinc in each instance, and in the Minnesota shipment of April 16, also excessive quantities of copper.

Adulteration of the article was alleged in the information for the reason that it contained a certain poisonous and deleterious ingredient, to wit, zinc, and in the case of the Minnesota consignment of April 16, zinc and copper, which might render the article injurious to health. Adulteration was alleged for the further reason that zinc and glue, and in the Minnesota shipment of April 16, zinc, glue, and copper, had been substituted for gelatin, and had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength.

Misbranding was alleged in the case of all consignments for the reason that the article was an imitation of, and was offered for sale and sold under the distinctive name of, another article, to wit, gelatin. Misbranding was alleged with respect to the 2 Minnesota consignments for the further reason that the statements on the labels, "Pure Food Gelatine" and "Gelatine," respectively, were false and misleading in that they represented that the article was pure food gelatin or gelatin, as the case might be, and for the further reason that it was labeled so as to deceive and mislead the purchaser into the belief that it was pure food gelatin or gelatin, whereas, in truth and in fact, it was not.

On November 6, 1920, the fourth count of the information, alleging misbranding of the shipment to Oklahoma, having been dismissed, the court imposed a fine of \$25 and costs on each of the 7 remaining counts, an aggregate fine of \$175 and costs.

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

**8856. Adulteration of compound black pepper. U. S. \* \* \* v. Hanley & Kinsella Coffee and Spice Co., a Corporation. Plea of nolo contendere to first count. Second count dismissed. Fine, \$25 and costs. (F. & D. No. 12359. I. S. No. 16232-r.)**

On September 14, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information in 2 counts against the Hanley & Kinsella Coffee and Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 7, 1918, from the State of Missouri into the State of Georgia, of a quantity of compound black pepper which was adulterated. The article was labeled in part, "H. & K. Compound Black Pepper Hanley & Kinsella Coffee & Spice Co. St. Louis."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of corn meal, black pepper, and a little capsicum.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, corn and capsicum, had been mixed therewith so as to lower, reduce, and injuriously affect its quality and strength, and for the further reason that certain substances, to wit, corn meal and capsicum, had been substituted in part for compound black pepper, which the article purported to be.

On November 6, 1920, the second count of the information, alleging misbranding, having been dismissed, a plea of nolo contendere to the first count, alleging adulteration, was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

**8857. Misbranding of Dr. Gunn's Blood and Nerve Tonic. U. S. \* \* \*  
v. 3 Dozen Packages of Dr. Gunn's Blood and Nerve Tonic. Default  
decree of condemnation, forfeiture, and destruction. (F. & D. No.  
13323. I. S. No. 10363-t S No. W-662.)**

On August 13, 1920, the United States attorney for the Northern District of California, 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 3 packages of Dr. Gunn's Blood and Nerve Tonic, remaining in the original unbroken packages at San Francisco, Calif., consigned November 4, 1919, alleging that the article had been shipped by the United Medicine Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of California, 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 tablets composed essentially of aloes, phosphorus, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part, on the wrapper and label and in the circular, as follows, (wrapper) "For Diseases of the Blood and Nerves Such as Dizziness, Despondency, General Debility and Weakness \* \* \* with little strength and vigor," (circular) "In cases where there is a weakness of the sexual organs take the tonic regularly \* \* \* women and girls \* \* \* for suppression of the monthly flow take the tablets regularly," (label) "For Diseases of the Blood and Nerves \* \* \* Dizziness, Despondency, General Debility, Weakness \* \* \* with little Strength and Vigor," which statements were false and fraudulent since the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On August 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 destroyed by the United States marshal.

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