

9245. Adulteration and misbranding of Blackberry Punch, Port Wine, Mexican Hot, Cherry Tip, Loganberry Punch, Port Wine Punch, and Blackport Punch. U. S. * * * v. Certain Alleged Nonalcoholic Beverages * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14162. I. S. Nos. 10219-t, 10220-t, 10221-t, 10222-t, 10446-t, 10447-t, 10448-t, 10449-t, 10450-t. S. No. W-832.)

On or about January 20, 1921, the United States attorney for the District of Colorado, 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 certain alleged nonalcoholic beverages, to wit, 1 barrel each of Blackberry Punch and Port Wine, shipped on or about December 2, 1920, 1 barrel each of Mexican Hot, Port Wine, and Cherry Tip, shipped on or about August 18, 1920, and 9 kegs of Port Wine Punch, 6 kegs of Mexican Hot, 5 kegs of Blackport Punch, and 7 kegs of Loganberry Punch, shipped on or about September 17, 1920, consigned by The Lyons Bros. Co., Dallas, Tex., and remaining unsold in the original unbroken packages at Denver, Colo., alleging that the articles had been transported from the State of Texas into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, "Lyons' Non-Alcoholic Blackberry Punch" ("Port Wine," "Mexican Hot," "Cherry Tip," "Loganberry Punch," "Port Wine Punch," or "Blackberry Punch," as the case might be).

Adulteration of the articles was alleged in the libel for the reason that an artificially flavored beverage sweetened with saccharin had been mixed with and substituted for the articles, so as to reduce, lower, and injuriously affect their quality; for the further reason that said articles were mixed and colored in a manner whereby damage and inferiority had been concealed; and for the further reason that they contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render said articles injurious to health.

Misbranding was alleged for the reason that the statement of the names of the articles on the label was false and misleading and deceived and misled the purchaser; for the further reason that they were imitations of, and were offered for sale under the distinctive names of, other articles; and for the further reason that they were food in package form, and the quantity of the contents of the packages was not plainly and conspicuously marked on the outside thereof.

On February 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

9246. Misbranding of Nervosex Tablets. U. S. * * * v. 10 Boxes and 10 Boxes * * * of Nervosex Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14202, 14203. I. S. Nos. 12105-t, 12106-t. S. Nos. C-2698, C-2699.)

On January 20, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 boxes and 10 boxes, more or less, of Nervosex Tablets, remaining in the original unbroken packages at Columbus and Fremont, Nebr., respectively, alleging that the article had been shipped by the United Laboratories Co., St. Louis, Mo., on or about August 18 and 20, 1920, respectively, and transported from the State of Missouri into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box label and wrapper) "Nervosex Tablets * * * A compound