

On January 31, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9507. Adulteration and misbranding of prepared mustard. U. S. * * * v. 3 Cases and 38 Cases * * * of Prepared Mustard. Decrees of condemnation, forfeiture, and destruction. Containers returned to claimant of 38 cases. (F. & D. Nos. 14406, 14407. I. S. Nos. 10193-t, 10225-t. S. Nos. W-862, W-863.)

On February 7, 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 libels for the seizure and condemnation of 3 cases, each containing 6 one-gallon jars, and 38 cases, each containing 3 dozen 4-ounce tumblers, of prepared mustard, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Kondit Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about December 13, 1920, and March 31, 1920, respectively, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled on the respective cases in part, "3 Dozen 4 Oz. [Tumblers] Net Weight 4 Oz. J. S. B. Brand Prepared Mustard Natural Flavor * * *," or "Six One-Gallon Jars Reliance Brand Prepared Mustard. The Kondit Co., Chicago, Ill. * * *"

Adulteration of the article was alleged in the libels for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for prepared mustard.

Misbranding was alleged in substance for the reason that the labels bore the statement regarding the article, to wit, "Prepared Mustard," which was false and misleading and calculated to deceive and mislead the purchaser in that the article was not prepared mustard, but was prepared mustard mixed and packed with mustard hulls.

On March 18, 1921, Logan Wallace having entered an appearance as claimant for the 38 cases of the article and having admitted all material allegations of the libel, it was ordered by the court that the libel be taken as confessed against the product, and it was further ordered by the court that, upon 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 the said product be returned to Chicago, Ill., to be destroyed by the United States marshal, the containers be delivered to the said claimant. On May 31, 1921, no claimant having appeared for the 3 cases of the article, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9508. Misbranding of Egyptian regulator tea. U. S. * * * v. 60 Small, 16 Medium, and 5 Large Packages of * * * Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14442. I. S. No. 10197-t. S. No. W-872.)

On February 16, 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 60 small, 16 medium, and 5 large packages of Egyptian regulator tea, consigned by the Kells Co., Newburgh, N. Y., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped

from Newburgh, N. Y., on or about the respective dates June 27, 1916, and January 2, June 15, and November 25 [29], 1920, and transported from the State of New York into the State of Colorado, 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 essentially of senna, coriander, triticum, licorice root, ginger, sambucus, cinnamon, and taraxacum.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements borne on the circulars and wrappers accompanying the said article, to wit, (white circular, all sizes) "Egyptian Regulator Tea * * * A Speedy and Positive relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness. * * * Nature's Own Gift to Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, Whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption. Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * Malaria * * * killing the Disease Germs * * * Heart Troubles, Paralysis, Rheumatism, Gout * * * apoplexy * * *," (blue wrapper, small and medium sizes) "Egyptian Regulator Tea A Remedy for * * * Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney Trouble," (blue wrapper, large size) "Egyptian Regulator Tea An Excellent Remedy for * * * Dyspepsia * * * Rheumatism, Nervousness, Liver Complaint, Sick Headache, Also Corpulency, Etc. * * *," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 18, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9509. Misbranding of dairy feed. U. S. * * * v. Security Mills & Feed Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 14502. I. S. No. 16595-r.)

On April 25, 1921, the United States attorney for the Eastern District of Tennessee, 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 Security Mills & Feed Co., a corporation, Knoxville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 28, 1920, from the State of Tennessee into the State of Georgia, of a quantity of dairy feed which was misbranded.

Examination of 100 sacks of the consignment by the Bureau of Chemistry of this department showed an average net weight of 96.7 pounds per sack.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Lbs. Net," borne on the tags attached to the sacks containing the article, regarding the article, was false and misleading in that it represented that each of said sacks contained 100 pounds thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks contained 100 pounds thereof, whereas, in truth and in fact, they did not, but did