

of Pennsylvania, 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 contained a dark brown liquid, carrying tar, chloroform, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the label of the carton and bottle containing the said article, regarding its curative and therapeutic effects, to wit, (carton) "\* \* \* For All Diseases Of The Throat And Lungs \* \* \* Hoarseness and all Pulmonary Affections. \* \* \* For \* \* \* Croup \* \* \* Sore Throat And Influenza," (bottle) "\* \* \* Consumption Remedy \* \* \* Influenza, Consumption, Hoarseness \* \* \* Pneumonia, Croup, Asthma and all Pulmonary Affections," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 25, 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.*

**9878. Adulteration and misbranding of noodles. U. S. \* \* \* v. Lee Lan, Lee Ching Hong, Lee Tung, Lung Pon, Leong Kong, Fong Jung, Lee Kow, Lee Pong, Lee Fook, Lee Dat Chow, Lee Wing, Mark Chung Mong, One Wah, Lee Leong, and Lee Young Lew (Yat Gaw Min Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 14534. I. S. No. 16611-r.)**

On May 21, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lee Lan, Lee Ching Hong, Lee Tung, Lung Pon, Leong Kong, Fong Jung, Lee Kow, Lee Pong, Lee Fook, Lee Dat Chow, Lee Wing, Mark Chung Mong, One Wah, Lee Leong, and Lee Young Lew, trading as the Yat Gaw Min Co., New York, N. Y., alleging shipment by said defendants, on or about February 2, 1920, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Virginia, of a quantity of noodles which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was plain noodles containing little, if any, egg, colored artificially with tartrazine, a yellow coal-tar dye.

Adulteration of the article was alleged in the information for the reason that it had been artificially colored by having mixed and added thereto an artificial coloring matter in a manner whereby its damage and inferiority to egg noodles, the article it simulated and purported to be, was concealed; and for the further reason that a substance, to wit, plain water noodles, had been substituted wholly or in part for egg noodles, which it purported to be.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was composed wholly or in part of plain or water noodles containing added artificial yellow coloring matter, prepared in imitation of another article, to wit, egg noodles.

On May 23, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

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