

10126. Adulteration and misbranding of wheat shorts. U. S. * * * v. Peerless Milling & Feed Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 13922. I. S. No. 9189-r.)

On January 17, 1921, the United States attorney for the Eastern 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 Peerless Milling & Feed Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 27, 1919, from the State of Illinois into the State of Alabama, of a quantity of wheat shorts which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was reground bran with screenings and with some flour added.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, ground bran and flour, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for wheat shorts with ground screenings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Wheat Shorts With Ground Screenings," borne on the tags attached to the sacks containing the said article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was wheat shorts with ground screenings, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was wheat shorts with ground screenings, whereas, in truth and in fact, it was not wheat shorts with ground screenings, but was a mixture composed in part of ground bran and added flour. Misbranding was alleged for the further reason that the article was a mixture composed in part of ground bran and added flour, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, wheat shorts with ground screenings.

On May 17, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

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

10127. Adulteration of flavor of vanilla, flavor of vanilla and vanillin, and flavor of lemon. U. S. * * * v. Clay L. Schroeder (National Food Mfg. Co.). Plea of guilty. Fine, \$250 and costs. (F. & D. No. 14348. I. S. Nos. 8378-r, 8379-r, 8745-r, 8746-r, 8747-r, 8748-r, 8751-r, 8752-r, 9634-r.)

On April 29, 1921, 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 against Clay L. Schroeder, trading as the National Food Mfg. Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of Missouri, on or about July 17 and 28, 1919, respectively, into the States of Indiana and Kansas, of quantities of flavor of vanilla; on or about July 23, 1919, into the State of Ohio, of quantities of flavor of vanilla and vanillin; and on or about July 17 and 28, 1919, respectively, into the States of Kansas and Indiana, of quantities of flavor of lemon, all of which were adulterated.

Analyses of samples of the flavor of vanilla and vanillin by the Bureau of Chemistry of this department showed that it contained coumarin and was short measure. Analyses of samples of the flavor of vanilla by said bureau showed that it was a dilute vanilla extract. Analyses of samples of the flavor of lemon by said bureau showed that a portion thereof was a dilute terpeneless lemon flavor and that the remainder thereof was a sugar sirup containing a vegetable gum and that it was materially deficient in lemon oil.

Adulteration of the flavor of vanilla was alleged in the information for the reason that a substance, to wit, a dilute extract of vanilla, had been substituted in whole or in part for pure flavor of vanilla, which the article purported to be. Adulteration of the flavor of vanilla and vanillin was alleged for the reason that a substance, to wit, a solution of vanillin and coumarin, which contained little, if any, vanilla extract, had been substituted in whole or in part for pure flavor of vanilla and vanillin, which the article purported to be. Adulteration of the flavor of lemon was alleged for the reason that a mixture,

to wit, a sugar sirup which contained a vegetable gum, and which was materially deficient in lemon oil, or a substance, to wit, dilute alcohol slightly flavored with citral, and which contained no lemon oil, as the case might be, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure flavor of lemon, which the said article purported to be.

On November 1, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$250 and costs.

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

10128. Misbranding of McMullin's tonic. U. S. * * * v. 22 Half-Pint Bottles, et al, of * * * McMullin's Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14872, 14873. I. S. Nos. 10810-t, 10814-t. S. Nos. W-947, W-948.)

On July 21, 1921, the United States attorney for the District of New Mexico, 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 30 half-pint bottles and 3 pint bottles of McMullin's tonic, remaining unsold in the original packages, in part at Las Vegas and in part at Albuquerque, N. Mex., alleging that the article had been shipped by the Tilden McMullin Co., Sedalia, Mo., October 8, 1920, and April 9, 1921, respectively, and transported from the State of Missouri into the State of New Mexico, 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 glycerin, alcohol, and water, with traces of iodid and phenol.

Misbranding of the article was alleged in substance in the libels for the reason that the bottles containing the said article bore the following statements regarding its therapeutic and curative effects, to wit, "* * * Tonic * * * Affords great relief in cases of Coughs, Colds, Consumption, Asthma, Catarrh and Bronchitis," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the results claimed.

On November 14, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

10129. Misbranding of Hall's catarrh medicine. U. S. * * * v. 141 Bottles * * * of Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14029. Inv. No. 26813. S. No. C-2618.)

On or about December 15, 1920, the United States attorney for the Southern District of Illinois, 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 141 bottles of Hall's catarrh medicine, remaining in the original packages at Decatur, Ill., alleging that the article had been shipped by F. J. Cheney & Co., Toledo, Ohio, on or about July 10, 1920, and transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Hall's Catarrh Medicine * * *"; (bottle) "* * * valuable in the treatment of catarrh * * *"; (booklet) "* * * For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels or Bladder. * * * A Blood Purifier * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, sugar, alcohol, and water, flavored with cardamom.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On October 10, 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.*