

had been substituted wholly for sweet milk chocolate, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Sweet Milk Chocolate," borne on the labels attached to the boxes containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was sweet milk chocolate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was sweet milk chocolate, whereas, in truth and in fact, the said article was not sweet milk chocolate, but was a product, to wit, a mixture largely composed of either added sugar or added sweet chocolate and deficient in milk, a necessary ingredient of sweet milk chocolate. Misbranding was alleged for the further reason that the article was a product, to wit, a mixture largely composed of either added sugar or added sweet chocolate and deficient in milk, a necessary ingredient of sweet milk chocolate, and was offered for sale and sold under the distinctive name of another article, to wit, sweet milk chocolate.

On January 6, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

10521. Misbranding of sponge cake. U. S. * * * v. Eugene A. Dexter (Dexter's Bakery). Plea of nolo contendere. Fine, \$25. (F. & D. No. 13902. I. S. No. 12589-r.)

On December 8, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eugene A. Dexter, trading as Dexter's Bakery, Springfield, Mass., alleging shipment by said defendant, on or about January 30, 1920, in violation of the Food and Drugs Act, as amended, from the State of Massachusetts into the State of Connecticut, of a quantity of sponge cake which was misbranded. The article was labeled in part: "Dexter's Mother's Cake. A Delicious Sponge Cake * * * Dexter's Bakery, Springfield, Mass. * * * Net Weight 13 Oz. * * *."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 20 cakes was 11.675 ounces, an average shortage from the declared weight of 10.19 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 13 Oz.," borne on the box containing the article, regarding the said article, was false and misleading in that it represented that each box contained 13 ounces net weight of the said article, 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 said boxes contained 13 ounces net weight of the article, whereas, in truth and in fact, each of the said boxes did not contain 13 ounces net weight of the said article but did contain a less amount. Misbranding was alleged for the further 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.

On April 21, 1922, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

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

10522. Misbranding of Hall's catarrh medicine. U. S. * * * v. 288 Bottles * * * of * * * Hall's Catarrh Medicine, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14026, 14027, 14028. Inv. Nos. 26581, 26582, 26583, 26584. S. Nos. C-2614, C-2615, C-2616.)

On or about December 15, 1920, the United States attorney for the Western District of Missouri, 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 1,106 bottles of Hall's catarrh medicine, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Cheney Medicine Co., Toledo, Ohio, on or about October 25 and November 11 and 19, 1920, respectively, and transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle)

"Hall's Catarrh Medicine * * * valuable in the treatment of Catarrh * * *" (booklet) "Hall's Catarrh Medicine For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels or Bladder. * * * a Blood Purifier * * * Hall's Catarrh Medicine is an internal remedy, acting through the blood on the mucous surfaces of the system, causing the puriform matter to be carried off through the natural channels. A great many people cannot understand how an internal remedy can affect catarrh when it is located in the head. We would say to them it makes no difference with Hall's Catarrh Medicine where the disease is (head, stomach, bowels, bladder), it is all the same—and is reached in the same manner, through the blood. * * * It is a combination of some of the best alteratives and tonics. * * *" (carton) "Hall's Catarrh Medicine * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of potassium iodid 6.5 per cent, extracts of gentian and cardamom, a trace of arsenic, sugar 23 per cent, alcohol by volume 11.5 per cent, and water approximately 80 per cent.

Misbranding of the article was alleged in substance in the labels for the reason that the above-quoted statements appearing on the labels of the cartons and bottles containing the said article and in the accompanying booklets, regarding the curative and therapeutic effects of the article, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On January 15, 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.*

10523. Adulteration and misbranding of chocolate liquor. U. S. * * * v. Massachusetts Chocolate Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 14996. I. S. No. 16962-r.)

On December 16, 1921, the United States attorney for the district of Massachusetts, 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 Massachusetts Chocolate Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 13, 1920, from the State of Massachusetts into the State of Maryland, of a quantity of chocolate liquor which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that ground cocoa shells had been added to the said article and that the product was deficient in cocoa butter.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a product deficient in cocoa butter and which contained added ground cocoa shells, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for "R. Liquor," to wit, chocolate liquor, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "R. Liquor," borne on the labels attached to the cases containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article consisted wholly of "R. Liquor," to wit, chocolate liquor, 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 consisted wholly of "R. Liquor," to wit, chocolate liquor, whereas, in truth and in fact, it did not so consist but did consist in part of added ground cocoa shells. Misbranding was alleged for the further reason that the article was a product deficient in cocoa butter and which contained added ground cocoa shells, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, "R. Liquor," that is to say, chocolate liquor.

On January 6, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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