

and condemnation of 36 one-pound cans of scientifically blended green and black tea and 336 one-fourth-pound cans of green and black tea at Fort Smith, Ark., alleging that the article had been shipped on or about January 7, 1920, by the Bohea Importing Co., Baltimore, Md., and transported from the State of Maryland into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the label for the reason that none of the cans contained 1 pound or $\frac{1}{4}$ pound of tea, but, in truth and in fact, contained a less amount, and the statement, "One Pound Net Weight" or " $\frac{1}{4}$ Pound Net Weight," was false and misleading and deceived and misled the purchaser, and 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 packages.

On August 2, 1922, 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 sold by the United States marshal at public auction.

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

10847. Adulteration and misbranding of pink root. U. S. v. H. R. Lathrop & Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 15999. I. S. No. 7873-t.)

On March 20, 1922, 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 H. R. Lathrop & Co., Inc., a corporation, doing business at New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on March 8, 1921, from the State of New York into the State of Pennsylvania of a quantity of pink root which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of 10.2 per cent of genuine pink root, that is, the rhizomes and roots of *Spigelia marylandica* L., and 89.8 per cent of the rhizomes and roots of *Ruellia ciliosa*, Pursh.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation of the article, in that said article consisted in large part of a mixture of more than 10 per cent of foreign matter, namely, 89.8 per cent of the rhizomes and roots of *Ruellia ciliosa*, whereas said Pharmacopœia provides that pink root is the dried rhizome and roots of *Spigelia marylandica* Linné (Fam. loganiaceae), without the presence or admixture of more than 10 per cent of stems or other foreign matter, and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding was alleged for the reason that the statement, to wit, "221 Lbs. Pink Rt.," borne and labeled upon the said bale concerning the article and the substances and ingredients contained therein, was false and misleading in that said statement represented said bale as containing 221 pounds of pink root, to wit, 221 pounds of an article consisting of the dried rhizomes and roots of *Spigelia marylandica*, Linné (Fam. loganiaceae), without the presence or admixture of more than 10 per cent of stems or other foreign matter, whereas, in truth and in fact, said article did not consist of pink root, to wit, the dried rhizomes and roots of *Spigelia marylandica* Linné (Fam. loganiaceae), without the presence or admixture of more than 10 per cent of stems or other foreign matter, but consisted practically wholly of a mixture of more than 10 per cent of foreign matter, namely, 89.8 per cent of the rhizomes and roots of *Ruellia ciliosa*, and for the further reason that said article was a product consisting practically wholly of the rhizomes and roots of *Ruellia ciliosa*, prepared in imitation of and offered for sale under the name of another article, to wit, pink root, which the article purported to be.

On March 20, 1922, a plea of guilty 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.*