

On June 4, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11638. Misbranding of Fernet De Vecchi. U. S. v. 15 Cases, et al., of Fernet De Vecchi. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 17456, 17457, 17458. I. S. Nos. 1745-v, 1746-v. S. Nos. E-4356, E-4357.)

On April 16, 1923, 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 libels praying the seizure and condemnation of 49 cases, each containing 24 bottles of Fernet De Vecchi, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Banfi Co., Inc., New York, N. Y., in part on or about March 8 and in part on or about March 9, 1923, and transported from the State of New York into the State of Massachusetts, 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 the product consisted essentially of alcohol, water, a trace of an iron compound, and extractives from plant drugs including a laxative drug and small amounts of alkaloids.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing on the bottle containing the said article and in the circular accompanying the same, regarding the article and the ingredients and substances contained therein, to wit, (bottle and circular) "digestive \* \* \* antifebrile \* \* \* anticholeraic \* \* \* recommende(d) for people suffering from irritable nerves, lack of appetite, nausea, worms," (circular) "has the property of curing biliousness, giddiness and bad digestion," were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 4 and June 19, 1923, the Banfi Co., Inc., New York, N. Y., having appeared as claimant for respective portions of the property and having filed satisfactory bonds in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11639. Misbranding of butter. U. S. v. 685 Pounds of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17538. I. S. No. 2732-v. S. No. E-4400.)

On or about May 21, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 685 pounds of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Carolina Butter Co., Charlotte, N. C., alleging that the article had been shipped from Charlotte, N. C., on or about May 8, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Mecko Brand Mecklenburg Dairy Co., Charlotte, N. C. One Pound Net \* \* \* Pure Creamery Butter."

Misbranding of the article was alleged in substance in the libel for the reason that the retail package containing the article bore the statement, "One Pound Net," which was false and misleading in that the said statement represented that the said package contained 1 pound net of the said article, when in fact it did not. 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 June 7, 1923, the R. A. Bowers Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*