

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained chlorides, chlorinated decomposition products, and impurities decomposable by sulphuric acid.

Adulteration of the article was alleged in the libel 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.

On May 24, 1923, 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.

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

**11774. Adulteration of shell eggs. U. S. v. 11 Cases of Eggs. Product released under bond to be sorted. Decree of condemnation and forfeiture entered with respect to bad portion. Good portion released to claimant and bad portion destroyed. (F. & D. No. 17099. I. S. No. 7617-v. S. No. W-1259.)**

On December 8, 1922, the United States attorney for the District of Colorado, 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 11 cases of eggs, consigned by J. W. Williams, Atwood, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped from Atwood, Kans., on or about November 22, 1922, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Williams Atwood, Ks."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, decomposed and rotten eggs.

On January 26, 1923, R. C. Ellis and H. Deutsch, a copartnership, trading as the Ellis-Deutsch Produce Co., Denver, Colo., having theretofore appeared as claimant for the property and consented to the entry of a judgment, and having executed a good and sufficient bond in conformity with section 10 of the act, and the good portion of the product having been released to the said claimant and the bad portion destroyed, it was adjudged by the court that the bad portion of the said article was subject to condemnation and forfeiture and that the disposition theretofore made be ratified and confirmed and that the claimant pay the costs of the proceedings.

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

**11775. Adulteration and misbranding of lemon and vanilla flavors. U. S. v. Ric-O Extract Co., a Corporation. Plea of nolo contendere. Fine, \$200. (F. & D. No. 17245. I. S. Nos. 1326-v, 1327-v.)**

At the March, 1923, term of the United States District Court within and for the Eastern District of Pennsylvania, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Ric-O Extract Co., a corporation, Reading, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 29, 1922, from the State of Pennsylvania into the State of Virginia, of quantities of lemon flavor and vanilla flavor which were adulterated and misbranded. The articles were labeled in part, respectively: "Rec-O 1 Oz. Compound Lemon Flavor Colored \* \* \* Mfd. by Ric-O Extract Co. Successor to Reading Extract Co. Reading, Pa.;" "Rec-O 1 Oz. Compound Vanilla Flavor Colored \* \* \* Mfd. by Reading Extract Co. Reading, Pa."

Analysis of a sample of the lemon flavor by the Bureau of Chemistry of this department showed that it was an imitation lemon flavor, consisting of a hydroalcoholic solution and containing a small quantity of citral, artificially colored. Analysis of a sample of the vanilla flavor by said bureau showed that it was an imitation vanilla flavor, consisting of a dilute alcoholic solution of vanillin and coumarin, artificially colored. Both products were found to be short in volume.

Adulteration of the articles was alleged in the information for the reason that a substance, to wit, a hydroalcoholic solution of citral, artificially colored, with respect to the lemon flavor, and a dilute alcoholic solution of vanillin and coumarin, artificially colored, with respect to the vanilla flavor, had been mixed and packed with the articles so as to lower and reduce and injuriously affect

their quality and strength and had been substituted in part for lemon flavor or vanilla flavor, as the case might be, which the articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to lemon flavor or vanilla flavor, as the case might be, and were colored so as to simulate the appearance of lemon flavor or vanilla flavor, in a manner whereby their inferiority to said products was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Lemon Flavor" and "1 Oz." and "Vanilla Flavor" and "1 Oz.," borne on the labels attached to the bottles containing the respective articles, regarding the articles and the ingredients and substances contained therein, were false and misleading in that they represented that the articles were lemon flavor or vanilla flavor, as the case might be, and that each of the said bottles contained 1 ounce of the respective articles, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of lemon flavor or vanilla flavor, as the case might be, and that each of the said bottles contained 1 ounce of the respective articles, whereas, in fact and in truth, they did not so consist but the said lemon flavor was a mixture composed in part of a hydroalcoholic solution of citral, artificially colored, the said vanilla flavor consisted in part of a dilute alcoholic solution of vanillin and coumarin, artificially colored, and each of the said bottles did not contain 1 ounce of the respective articles but did contain a less amount. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 11, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

**11776. Adulteration and misbranding of sauerkraut. U. S. v. 44 Cases of Sauerkraut. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17280. I. S. No. 9213-v. S. No. E-4304.)

On February 12, 1923, the United States attorney for the Northern District of Ohio, 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 44 cases of sauerkraut, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the W. H. Killian Co., from Baltimore, Md., on or about November 22, 1922, and transported from the State of Maryland into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Killian's Kuality \* \* \* Sauer Kraut Contents 2 Lb. \* \* \* Packed By W. H. Killian Co. Baltimore, U. S. A."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Kuality \* \* \* Sauer Kraut Contents 2 Lb.," together with a design showing a cabbage, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it 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 12, 1923, no claimant having appeared for the property, judgment of the court was entered condemning the product and ordering that it be disposed of by destruction or sale, with the proviso that if a claimant should appear and pay the costs of the proceedings and file a bond in the sum of \$100, in conformity with section 10 of the act, the product be delivered to the said claimant, conditioned in part that it be reconditioned. Subsequently the Brite-Mawnin Co., Cleveland, Ohio, appeared as claimant for the property and took it down under bond.

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