

11910. Misbranding of lemon filling and adulteration and misbranding of raspberry preserve. U. S. v. Adolph L. Seidel, Louis Seidel, and Walter F. Seidel (Ad. Seidel & Sons). Pleas of guilty. Fine, \$100. (F. & D. No. 14993. I. S. Nos. 2063-t, 2065-t.)

On January 14, 1922, the United States attorney for the Northern 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 Adolph L. Seidel, Louis Seidel, and Walter F. Seidel, copartners, trading as Ad. Seidel & Sons, Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Illinois into the State of Indiana, on or about November 1, 1920, of a quantity of lemon filling which was misbranded, and on or about January 26, 1921, of a quantity of raspberry preserve which was adulterated and misbranded. The articles were labeled in part: (Lemon filling) "100% Brand Dry Lemon Filling A delicious filling for Pies, Tarts, Layer Cakes * * * Prepared By Ad. Seidel & Sons * * * Chicago, U. S. A.;" (raspberry preserve) "Contains 30 Lbs. Net 100% Brand Fruit Preserve Raspberry * * * Manufactured Ad Seidel & Sons * * * Chicago, U. S. A."

Analysis of a sample of the lemon filling by the Bureau of Chemistry of this department showed that it was a powdered mixture of cornstarch, sugar, and tartaric acid, with a faint flavor suggesting lemon oil. Analysis of a sample of the raspberry preserve by said bureau showed that it was an artificially colored jam-like mixture containing raspberry fruit with cane sugar, added glucose, and phosphoric acid.

Adulteration of the raspberry preserve was alleged in the information for the reason that glucose in excess of 4 per cent, the amount the article purported to contain, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality, for the further reason that glucose, in excess of the labeled proportion, and phosphoric acid, not mentioned in the labeling, had been substituted in part for the said article, and for the further reason that an artificial coloring, to wit, amaranth, had been mixed therewith so as to color the said article in a manner whereby its damage and inferiority were concealed.

Misbranding of the raspberry preserve was alleged for the reason that the statement, to wit, "100% Brand Fruit Preserve Raspberry," borne in prominent type on the package containing the article, not corrected by the statement in inconspicuous type, to wit, "Contains 50% Prime Quality Fruit 46% Sugar 4% Glucose," borne and labeled on the said package, was false and misleading in that it represented that the article was 100 per cent raspberry fruit preserves, whereas it was not but was an article containing glucose, greatly in excess of 4 per cent, and was artificially colored and contained phosphoric acid.

Misbranding of the lemon filling was alleged for the reason that the statements, "100% Brand Dry Lemon Filling A delicious filling for Pies," borne on the packages containing the article, were false and misleading in that they represented the article to be lemon pie filling, to wit, an article containing, among other ingredients, lemon juice and eggs, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained, among other ingredients, lemon juice and eggs, whereas, in truth and in fact, it contained neither eggs nor lemon juice. 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 October 20, 1923, pleas of guilty to the information were entered by the defendants, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11911. Misbranding of Craemer's celebrated compound. U. S. v. 11 Bottles of Craemer's Celebrated Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16446. I. S. No. 3603-t. S. No. C-3658.)

On June 20, 1922, the United States attorney for the District of Minnesota, 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 bottles of Craemer's celebrated compound, at St. Paul, Minn., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., April 12, 1922, and transported from the State of Missouri into the State of Minnesota, 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 was an aqueous solution of sodium, potassium, ammonium, and lithium phosphate, citrate, salicylate, and chloride and extract of ginger, sweetened with saccharin and colored with caramel.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the label of the bottle containing the article and on the carton enclosing the said bottle, "For * * * Gall Stones, Stones in the Kidneys, Stones in the Urinary Bladder, Liver, Kidney, Bladder, Stomach and Bowel Complaints * * * Thickened Bile, Bilious Colic * * * Sallow Complexion, Dizziness, Renal or Kidney Colic * * * Painful Urination, Loss of Appetite," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 14, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11912. Adulteration of canned tomatoes. U. S. v. 26 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16552. I. S. No. 4321-t. S. No. C-3683.)

On July 3, 1922, 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 a libel praying the seizure and condemnation of 26 cases of tomatoes, remaining unsold in the original unbroken packages at Murphysboro, Ill., consigned by the Rosen-Reichardt Brokerage Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about March 9, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. C. C. Brand * * * Tomatoes * * * Contents 1 Lb. 3 Oz."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On February 14, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11913. Adulteration of chloroform. U. S. v. 20 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16633. I. S. No. 10326-v. S. No. W-1158.)

On July 18, 1922, the United States attorney for the District of Idaho, 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 20 cans of chloroform, remaining in the original unbroken packages at Oakley, Idaho, alleging that the article had been shipped from New York, N. Y., on or about March 15, 1922, and transported from the State of New York into the State of Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Poison $\frac{1}{2}$ Pound Chloroform * * * For Anaesthesia."

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 impurities decomposable by sulphuric acid, odorous decomposition products, and chlorinated decomposition products.

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 the said Pharmacopœia, official at the time of the investigation, and no standard of strength, quality, or purity different from that established by said Pharmacopœia was stated on the said cans.

On June 28, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*