

and forfeiture of the product, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of bond in the sum of \$1,500, conditioned in part that the fit portion be segregated and relabeled under the supervision of this department and that the unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18443. Adulteration and misbranding of cereal meal. U. S. v. 1,810 Small Packages, et al., of Cereal Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26047. I. S. No. 12245. S. No. 4308.)

Examination of a product, known as cereal meal, having shown that the article consisted essentially of bran and a gelatinous material such as agar, and that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Colorado the shipments herein described, involving quantities of the product located at Denver, Colo.

On March 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,810 small packages and 3,020 large packages of cereal meal, remaining in the original unbroken packages at Denver, Colo., consigned by the Cereal Meal Corporation, St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., in part on or about January 23, 1930, and in part on or about September 16, 1930, and had been transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that agar or other gelatinous material had been mixed and packed with and substituted in part for cereal meal, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, cereal meal. Misbranding was alleged for the further reason that the statement on the label, "Cereal Meal," was false and misleading and deceived and misled the purchaser. It was further alleged in the libel that the article was misbranded in violation of section 8 of the act, paragraph 3, as amended, in the case of drugs, in that the following statements on the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "As a preventive Anything that Prevents Disease is Much Better Than Having To resort to regular treatment. The old saying 'An ounce of preventive is worth a Pound of Cure,' is wise. * * * The Ideal Health Food For Constipation and Evils Resulting therefrom. * * * For the relief of * * * Indigestion, Gastro-Intestinal Disorders and the many wretched conditions and symptoms that invariably accompany Constipation, * * * In Stubborn, Long-Standing Cases, * * * until the bowels become regular and normal. * * * For the Vast Majority of Cases of Constipation, Thus Relieving Much Indigestion, Chronic Appendicitis and Mucous Colitis Due Thereto. Cereal Meal stimulates to action the glands along the bowel and increases bowel peristalsis (worm-like movement of the bowels). It furnishes body to the stool which does not get hard and dry. Nerve force and blood supply become normalized, allowing nature to resume her perfect work. Many people suffer with chronic appendicitis and do not know it. * * * A diet * * * as Cereal Meal does, relieving the bowel of fecal masses and irritative gases, will in most cases relieve the trouble. The coarse grain in Cereal Meal increases the secretory powers of the stomach and intestinal glands and decreases fermentation and gas formation, thus relieving many forms of indigestion. Mucous Colitis is a catarrhal condition of the large intestine. * * * Cereal Meal cleans out the mucus, clears the bowel and aids the mucous membrane of the colon to return to normal. * * * Cereal Meal * * * nourishes the tissues, aids glandular action, stimulates the nerve endings and gives strength. * * * Constipation Often Cause of Children's Diseases;" (circular) "Eat Your Way to Health."

On May 12, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*