

on or about December 18, 1919, and transported from the State of North Carolina into the State of Virginia, 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 consisted essentially of compounds of sodium, potassium, calcium, iron, quinine, strychnine, and phosphorus, extracts of plant drugs, including wild cherry bark, possible traces of cod-liver oil and malt extract, sugar, alcohol, and water, flavored with benzaldehyde.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the labels of the bottles and cartons containing the article, regarding its curative and therapeutic effects and the ingredients and substances contained therein, (bottle and carton) "A superior nutrient \* \* \* and reconstructive of especial value for restoring tone and vigor to the entire system. Indicated in General Debility, Nervous Prostration, Tuberculosis, Emaciation, Scrofulosis, Winter Cough, Bronchitis, etc.," (carton) "Builds You Up \* \* \* Unexcelled as a \* \* \* nutrient and reconstructive remedy. Indicated in \* \* \* General Debility, Nervous Prostration, Neurasthenia, Anemia, Chlorosis, Nervous Dyspepsia, Hysteria, Chronic Cough, Consumption, Chronic Bronchitis, Scrofula and other chronic diseases requiring building up treatment. \* \* \* nerve-nutrient and reconstructive," were false and fraudulent in that the said statements represented that the said article was a superior nutrient and reconstructive of especial value for restoring tone and vigor to the entire system, that it was indicated in general debility, nervous prostration, tuberculosis, emaciation, scrofulosis, winter cough, bronchitis, etc., that it would build up and was unexcelled as a nutrient and a reconstructive remedy, that it was indicated in neurasthenia, anemia, chlorosis, nervous dyspepsia, hysteria, chronic cough, consumption, chronic bronchitis, scrofula, and other chronic diseases requiring building-up treatment, and that it was a nerve nutrient and reconstructive, whereas, in truth and in fact, it was not.

On March 8, 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.*

**11763. Adulteration and misbranding of vinegar. U. S. v. 20 Barrels, et al., of Vinegar. Consent decrees entered with respect to a portion of the product ordering its release under bond to be relabeled. Default decrees of condemnation, forfeiture, and destruction with respect to the remainder.** (F. & D. Nos. 16527, 16895, 16911, 16987, 17003. I. S. Nos. 2052-v, 4828-v, 4829-v, 8857-v, 8902-v, 9210-v. S. Nos. C-2928, C-2933, C-2935, C-2939, C-2943.)

On October 28, November 10, 18, 21, and 27, 1922, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 255 barrels, 200 cases, and 77 cartons of vinegar, in various lots at Toledo, Mansfield, Sandusky, Warren, and Cleveland, Ohio, respectively, alleging that the article had been shipped in part by the Powell Corp., Canandaigua, N. Y., and in part by the Canandaigua Products Corp., Canandaigua, N. Y., between the dates of September 8 and October 11, 1922, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. Some of the barrels containing the article were labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% \* \* \* Man'fd. By The Powell Corp. Canandaigua, N. Y." The rest of the said barrels were labeled in part: "Pure Cider Vinegar." The remainder of the said article was enclosed in cartons or cases each containing 2 dozen bottles or 1 dozen bottles, as the case might be. The bottles were labeled in part: "C. C. V. Brand M'fd By Canandaigua Products Corp. Net Contents 16 Fl. Oz." (or "Net Contents 20 Fl. Oz." or "Net Contents 32 Fl. Oz.") "\* \* \* Reduced With Water To 4% Acetic Strength Canandaigua, N. Y. Reduced Cider Vinegar Made From Apples Fermented."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar or distilled and evaporated apple products vinegar, as the case might be, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing on the barrels containing the article, "Pure Cider Vinegar Made From Apples"

or "Pure Cider Vinegar," as the case might be, and the statements appearing on the labels of the bottles containing the article, "Net Contents 16 Fl. Oz." (or "Net Contents 20 Fl. Oz." or "Net Contents 32 Fl. Oz.") "\* \* \* Cider Vinegar Made From Apples," together with the design of a ripe red apple, 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. Misbranding was alleged with respect to the bottled vinegar 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 packages.

On January 12, 1923, no claimant having appeared for 90 barrels and 200 cases of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that said 90 barrels and 200 cases of the product be destroyed by the United States marshal. On March 26, 1923, the Powell Corp. and the Canandaigua Products Corp. having appeared as claimants for respective portions of the remainder of the product, and having admitted the allegations contained in the libels, judgments were entered ordering that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,000, in conformity with section 10 of the act, conditioned in part that a portion of the article be relabeled, "Cider Vinegar and Distilled Vinegar Reduced to 4% Acidity," and that the remainder thereof be relabeled, "Evaporated Apple Products Vinegar and Distilled Vinegar reduced to 4% Acidity."

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

**11764. Adulteration of chloroform. U. S. v. 600 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16588. I. S. Nos. 23429-t, 23430-t. S. No. C-3685.)

On July 8, 1922, the United States attorney for the District of Kansas, 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 600 cans of chloroform at Topeka, Kans., alleging that the article had been shipped from New York, N. Y., in part on or about February 24 and in part on or about March 6, 1922, and transported from the State of New York into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform \* \* \* For Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained 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 said Pharmacopœia.

On October 26, 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 destroyed by the United States marshal.

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

**11765. Misbranding and alleged adulteration of vinegar. U. S. v. 15 Barrels, et al., of Sugar Vinegar and 30 Barrels, et al., of Apple Cider Vinegar. Consent decrees of condemnation and forfeiture. Products released under bond.** (F. & D. Nos. 17083, 17085, 17086, 17095. I. S. Nos. 5041-v, 5042-v, 5043-v, 5044-v, 5045-v, 5173-v. S. Nos. C-3855, C-3856, C-3859, C-3860.)

On January 5, 1923, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 19 barrels of sugar vinegar and 140 barrels of apple cider vinegar, in various lots at Parsons, Fort Scott, and Pittsburg, Kans., respectively, alleging that the articles had been shipped by the Ozark Cider & Vinegar Co., from Rogers, Ark., between the dates of July 11 and November 29, 1922, and transported from the State of Arkansas into the State of Kansas, and charging misbranding with respect to all of the said articles and adulteration with respect to a portion of the sugar vinegar, in violation of the Food and Drugs Act, as amended. The articles were labeled variously, as follows: "The Ozark Cider & Vinegar Company Salome Brand Sugar Vinegar Contents 55 Gal. Rogers, Arkansas;" "The Ozark Cider & Vinegar Company Sugar Vinegar