

14318. Adulteration and alleged misbranding of ether. U. S. v. 20 Cases of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21088. I. S. No. 10555-x. S. No. W-1979.)

On May 19, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases, each containing 50 ½-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Chicago, Ill., April 2, 1926, and transported from the State of Illinois into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "One-Half Pound Ether Alcohol about 1% For Anesthesia Poison. Supplied By The Upjohn Company * * * Kalamazoo, Mich."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained peroxide.

Adulteration of the article was alleged in the libel for the reason that it contained peroxide and for the further reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard prescribed by the said pharmacopœia, and in that it fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements borne on the label "Ether * * * For Anesthesia" were false and misleading.

On June 17, 1926, the Upjohn Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, conditioned in part that it be made to conform with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14319. Misbranding of candy. U. S. v. Mueller-Keller Candy Co. Plea of guilty. Fine, \$25. (F. & D. No. 19307. I. S. Nos. 12204-v, 20018-v, 20626-v.)

On February 16, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mueller-Keller Candy Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 6, 1924, from the State of Missouri into the State of New Mexico, and on or about April 30, 1924, from the State of Missouri into the State of Colorado, of quantities of candy which was misbranded. The article was labeled, variously: "Mueller Keller's Nutty Taffy Net Weight 1¾ Oz. Mueller-Keller Candy Co. St. Joseph Mo.;" "Mueller-Keller's Apricot Tarts Net Weight 2 Ozs.;" "Mueller-Keller's Big Ben Net Weight—2¼ Oz. Mueller Keller Candy Co. St. Louis, Mo."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Weight 1¾ Oz.," "Net Weight 2 Ozs.," and "Net Weight—2¼ Oz.," as the case might be, borne on the labels, were false and misleading, in that the said statements represented that the packages each contained the amount of the said article declared thereon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained the amount of the article declared on the label, whereas each of said packages did not contain the amount of the product so represented but did contain a less amount.

On March 2, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

14320. Adulteration of butter. U. S. v. 20 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21132. I. S. Nos. 895-x, 10832-x. S. No. W-1977.)

On May 11, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying