

2952. Misbranding of a liqueur and cordial sirup. U. S. v. William P. Bernagozzi, Robert Bernagozzi, and Ferdinando Bernagozzi. Plea of guilty. Fine, \$100. (F. & D. Nos. 4712, 4713. I. S. Nos. 20727-d, 20728-d.)

On May 7, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in two counts against William P. Bernagozzi, Robert Bernagozzi, and Ferdinando Bernagozzi, doing business under the firm name and style of W. P. Bernagozzi & Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, from the State of New York into the State of New Jersey—

(1) On March 18, 1912, of a quantity of so-called "Liqueur Superfine Fiori Calabria," which was misbranded. The product was labeled, "Qualita Superiore Liqueur Superfine, Fiori di Calabria Bernag Cordial Brand, WPB." Analysis of a sample of the product by the Bureau of Chemistry of this department showed it to be an artificially colored cordial. Misbranding of the product was alleged in the first count of the information for the reason that the label thereof regarding it was false and misleading and was calculated to mislead and deceive the purchaser thereof, in that said label would indicate that the article was a foreign product, to wit, a product of Calabria, Italy, when it was not so, but was a product of the United States, and said article was further misbranded in that it purported to be a foreign product, to wit, a product of Italy, when it was not so, but a product of the United States.

(2) On February 17, 1912, of a quantity of so-called "Streghe Berna Cordial," which was misbranded. This product was labeled: "Streghe Berna Cordial, Guaranteed under the National Pure Food Law, Serial No. 4438. (In upper corners respectively a United States shield with white cross.) Streghe Bernag Bernag Cordial Brand WPB." Analysis of a sample of the product by the Bureau of Chemistry of this department showed it to be an artificially colored cordial. Misbranding of the product was alleged in the second count of the information for the reason that the label thereon bore statements, designs, and devices regarding it which were false and misleading, and said label was calculated to deceive and mislead the purchaser thereof in that it would indicate that the article was a foreign product, to wit, a product of Italy, whereas, in truth and in fact, it was a product of the United States, and it was further misbranded in that it purported to be a foreign product, to wit, a product of Italy, when it was not so, but a product of the United States.

On May 19, 1913, defendants entered a plea of guilty to the information, and the court imposed a fine of \$100.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2953. Adulteration of oil of red thyme. U. S. v. Brunswig Drug Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 4718. I. S. No. 3562-d.)

On April 4, 1913, the United States attorney for the Southern District of California, 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 Brunswig Drug Co., a corporation, Los Angeles, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 16, 1911, from the State of California into the then Territory, now State, of Arizona, of a quantity of oil of red thyme which was adulterated.

The product was labeled: "1 pound. Oil of Origanum (Oil of Thyme Red) Guaranty legend Serial No. 276. Brunswig Drug Co., Wholesale Druggists, Manufacturing Chemists Los Angeles, San Diego." (Sublabel on back of bottle) "Specific gravity .896."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 25° C.	0. 90
Optical rotation, 20° C. (100 mm tube).....	-8. 7
Phenols (per cent).....	14
Refractive index at 20° C.....	1. 4805
Distillation test below 180° C. (per cent).....	60
Distillation test between 180°-220° C. (per cent).....	20
Distillation test between 220°-250° C. (per cent).....	10
Fraction 155°-165° C. was tested for pinene. Nitroso chlorid formed, M. P.=104° C. (uncorrected); pinene microscopically positive.	

Adulteration of the product was alleged in the information for the reason that it was sold under a name recognized in the United States Pharmacopœia, to wit, oil of thyme, and differed from the standard of strength, quality, and purity for oil of thyme, as determined by the tests laid down in said Pharmacopœia official at the time of investigation, in that it contained turpentine, was deficient in thymol and high in rotation, and its own standard of strength, quality, and purity was not stated upon the bottle in which it was contained at the time it was so shipped.

On May 13, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2954. Misbranding of cottonseed meal. U. S. v. J. Lindsay Wells (J. Lindsay Wells Commission Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 4719. I. S. No. 8620-d.)

On September 3, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Lindsay Wells, doing business and trading under the name of J. Lindsay Wells Commission Co., Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 20, 1911, from the State of Tennessee into the State of Virginia, of a quantity of cottonseed meal which was misbranded. The product was labeled: "J. Lindsay Wells, Memphis, Tenn. Prime finely Ground Sun Brand Cotton Seed Meal; Sacks of 100 lbs. each. Sold basis analysis: Ammonia 8 to 8½%; Nitrogen 6½ to 7%; Protein 41 to 45%; Oil and Fat 7 to 8%; Crude Fibre 9 to 10%. This meal is made from decorticated cotton seed."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Total nitrogen (per cent).....	6. 10
Protein (6.10 by 6.25) (per cent).....	38. 13
Fats (ether extract) (per cent).....	7. 89
Crude fiber (per cent).....	9. 23
Water (per cent).....	8. 15
Ash (per cent).....	6. 94

Misbranding of the product was alleged in the information for the reason that it bore certain brands and labels purporting to state thereon the ingredients thereof, which said label was in the words and figures set forth above, and which said label set forth that the cottonseed meal contained from 41 to 45 per cent protein, 7 to 8 per cent oil and fat, 6½ to 7 per cent nitrogen, 8 to 8½ per cent ammonia, whereas, in truth and in fact, it did not contain 8 to 8½ per cent ammonia, 6½ to 7 per cent nitrogen, 7 to 8 per cent oil and fat, and from 41 to 45 per cent protein, but, in truth and in fact, contained