

3724. Misbranding of so-called ferro china bitters and so-called "Anice Fino." U. S. v. 5 Cases of So-Called Ferro China Bitters, and 7 Cases of So-Called Anice Fino. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 5934, 5935. S. No. E-111.)

On September 22, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 cases, each containing a product purporting to be ferro china bitters, and 7 cases, each containing a product purporting to be "Anice Fino," remaining unsold in the original unbroken packages, at Boston, Mass., alleging that the products had been shipped and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the bitters was alleged in one of the libels for the reason that said food and the packages and labels thereof were labeled and branded in a manner so as to deceive and mislead the purchaser, in purporting to be a foreign product, by means of the following words then and there appearing thereon in a foreign language, "Ferro-China-Bitters. Liquore Tónico Iron Bitter Questo Liquore fatto a base di Ferro e China con erbe molto benefiche per gli anemici, e per coloro che soffrono di inappetenza ecc. È raccomandato da celebrità Mediche. Anti Malarico. Bevete Il Ferro Dei Fti Di Mte. Cno.," when in fact said food was not a foreign product. Misbranding was alleged for the further reason that said food upon said packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the words in foreign language set forth above, all of which said statements, designs, and devices were false and misleading, because they would lead a purchaser to believe that said food was a foreign product, when in fact it was not a foreign product. Misbranding of the product considered as a drug was alleged for the reason that it contained a quantity of alcohol, and the packages containing the same failed to bear a statement on the label thereof of the quantity or proportion of said alcohol contained in said drug.

Misbranding of the "Anice Fino" was alleged in the other libel, for the reason that said food and the packages and labels thereof were labeled and branded in a manner so as to deceive and mislead the purchaser, in purporting to be a foreign product, by means of the following words appearing thereon in a foreign language, "Anice Fino Per Acqua—Anice Superfine (design) Specialita di Raffaele Puziello di Napoli. Per una perfetta digestione Volete un buon bicchiere di Liquore—Bevete Il Colombo Punch—Liquore Unsuperabile che si puo anche usare nel latte, nel caffè acqua calda o seltz. Specialita di Raffaele Puziello di Napoli. Distilleria & Fabricade Liquore Puziello Lucaro and Co.," when in fact said food was not a foreign product. Misbranding was alleged for the further reason that said food upon the packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained therein, that is to say, the words in a foreign language set forth above; all of which said statements, designs, and devices were false and misleading, because they would lead a purchaser to believe that said food purported to be a foreign product, when in fact it was not a foreign product.

On October 31, 1914, no claimant having appeared for the products, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*