

9085. Adulteration and misbranding of mustard. U. S. * * * v. 4 Barrels, 5 Barrels, 5 Barrels, and 5 Barrels of Alleged Prepared Mustard * * *. Decree of condemnation. Product ordered released on bond. (F. & D. Nos. 13786, 13812, 13826, 13827. I. S. Nos. 8425-r, 8428-t, 8429-t, 8430-t. S. Nos. E-2830, E-2840, E-2844.)

On October 13, 21, and 28, 1920, the United States attorney for the District of Maryland, 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 4 barrels, 5 barrels, 5 barrels, and 5 barrels of alleged prepared mustard, consigned on or about August 23, 1920, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Budlong Pickle Co., Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Plochman & Witt Standard Brand Prepared Mustard Colored With Turmeric."

Adulteration of the article was alleged in substance in the libels for the reason that a substance, to wit, mustard hulls, had been mixed and packed with, and substituted wholly or in part for, the article, and for the further reason that it was colored in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Standard Brand Prepared Mustard," was false and misleading and deceived and misled the purchaser, since the article was not standard brand prepared mustard, and for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 14, 1920, Plochman & Witt, Chicago, Ill., claimants, having filed their answer to the libels and the cases having come on for final disposition and due deliberation having been had, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act, conditioned in part that the article be relabeled before being sold or disposed of.

E. D. BALL, *Acting Secretary of Agriculture.*

9086. Adulteration of nonalcoholic beverages. U. S. * * * v. 3 Kegs of Nonalcoholic Beverages. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13876. I. S. No. 13602-t. S. No. E-2866.)

On November 20, 1920, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 kegs of nonalcoholic beverages, remaining in the original unbroken packages at East Point, Ga., consigned by the Red Cross Mfg. Co., St. Louis, Mo., alleging that the article had been shipped on or about September 27, 1920, and transported from the State of Missouri into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The kegs were labeled in part, "Orange Non Alcoholic Cli-co Artificial Flavor And Color Orange Flavor Sweetened with Saccharin," and "Cherry Non Alcoholic Cli-co Artificial Flavor and Color Cherry Flavor Sweetened with Saccharin," and "Port Cordial Non Alcoholic Cli-co Artificial Flavor And Color Port Cordial Flavor Sweetened with Saccharin," "* * * Guaranteed by Red Cross Mfg. Co. St. Louis, Mo."

Adulteration of the article was alleged in the libel for the reason that a product having no food value, to wit, saccharin, had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality, and had been substituted wholly or in part for said article. Adulteration was alleged for the further reason that the article contained an added deleterious ingredient, to wit, saccharin, which might render it injurious to health.

On January 24, 1921, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

9087. Misbranding of Dr. J. H. McLean's Sarsaparilla Compound. U. S. * * * v. 68 Bottles of * * * Dr. J. H. McLean's Sarsaparilla Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14004. I. S. No. 10429-t. S. No. W-803.)

On or about December 9, 1920, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 68 bottles of Dr. J. H. McLean's Sarsaparilla Compound, remaining unsold in the original unbroken packages at Albuquerque, N. Mex., alleging that the article had been shipped on August 16, 1920, by the Dr. J. H. McLean Medicine Co., St. Louis, Mo., and transported from the State of Missouri into the State of New Mexico, 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 iodids, a laxative plant drug, saponin (sarsaparilla), plant extractives including resins, salts of iron, potassium, and sodium, sugar, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the labels thereof bore statements, designs, and devices, regarding the therapeutic and curative effects of said article, as follows, to wit, (bottle) "Dr. J. H. McLean's Sarsaparilla Compound * * * It frequently happens that persons find an aggravation of their complaint after taking a few doses of Dr. J. H. McLean's Sarsaparilla, but this must be regarded as an indication that the curative process has commenced. * * *," (carton) "Dr. J. H. McLean's Sarsaparilla Compound * * * For The Treatment Of Ailments Resulting From Impurity Of The Blood Such As Scrofula and all Scrofulous Humors, Goitre or Swollen Neck, Erysipelas, Old Sores, Eruptions on the Face or any part of the Body, Boils, Pimples, Blotches, Indolent Ulcers, Pains in the Bones, Rheumatism, Salt Rheum, Canker in the Mouth or Throat, Chronic Inflammation of the Mucous Membrane which lines the Nose, Throat, Windpipe, Ears and other parts and General Debility. * * * for Specific Blood Poisoning, general purifying the blood, * * * and for symptoms which denote blood diseases, such as pimples, skin eruptions, etc. * * *," (circular) "Dr. J. H. McLean's Sarsaparilla Compound. For The Treatment Of Impurities of the Blood, Diseases caused by Impure or Impoverished Blood, Spring Fever, Scrofulous Diseases, Sores, Ulcers, etc., and For Constitutional Blood Poison. * * * a blood cleanser, enricher * * * It assists in giving life and vitality to impoverished blood and in cleansing the blood of impurities which if allowed to remain in the system will cause serious diseases. By removing the impure matter from the blood, one great step toward health is taken. The next step necessary, is to enrich the blood so that the whole system is properly nourished. Dr. J. H. McLean's Sarsaparilla Compound aids in accomplishing both. Pimples, Boils, Carbuncles, Skin Blotches and Spots are in-