

9192. Misbranding of Brazilian Balm. U. S. * * * v. 106 Dozen Bottles of * * * Brazilian Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12516. I. S. No. 14632-r. S. No. E-2034.)

On or about March 19, 1920, the United States attorney for the District of Delaware, 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 106 dozen bottles of Brazilian Balm, remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by B. F. Jackson & Co., Arcade, N. Y., on October 13, November 15, December 5, and December 18, 1919, and February 9 and February 24, 1920, and transported from the State of New York into the State of Delaware, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle label) "* * * Grip * * * Croup, Sore Throat, Catarrh, Asthma, Inflammations and Fevers. * * * Constipation and Piles. Inject for Female Troubles. * * * swellings * * *;" (circular) "* * * Croup, Grip, Sore Throat, Bronchitis, Fevers, Cold in Chest or Back—for Asthma and Catarrh * * * Grip And Pneumonia * * * Hay Fever * * * Systemic Catarrh * * * Croup * * * Sore Throat * * * Earache * * * Inflammation of Bowels—Bad Burns * * * Quick Consumption * * * Brazilian Balm is one of the best Antiseptic dressing for fresh wounds known to science. * * * Contagious Diseases. * * * diphtheria, scarlet fever or smallpox. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of plant extractives including hydrastis, glycerin, sugar, alcohol, and water, flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it by the above-quoted language.

On February 5, 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.*

9193. Adulteration and misbranding of cottonseed cake. U. S. * * * v. Imperial Cotto Sales Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 12350. I. S. No. 7019-r.)

On August 6, 1920, the United States attorney for the Eastern District of Illinois, 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 Imperial Cotto Sales Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 5, 1919, from the State of Mississippi, through the State of Illinois, into the State of Missouri, of a quantity of cottonseed cake which was adulterated and misbranded. The article was invoiced as "Nutsized Cotton Seed Cake 41%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.38 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a cottonseed cake containing less than 41 per cent of protein had been substituted in whole or in part for cottonseed cake containing 41 per cent of protein, which the article purported to be.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On January 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

9194. Adulteration and misbranding of Samaco Brand extra fine macaroni. U. S. * * * v. Savarese Macaroni Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 12468. I. S. No. 17020-r.)

On March 2, 1921, 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 an information against the Savarese Macaroni Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 21, 1919, from the State of Maryland into the State of New York, for reshipment to the island of Porto Rico, of a quantity of Samaco Brand extra fine macaroni which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was made from an inferior grade of flour and had been artificially colored with a coal-tar dye, naphthol yellow S.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, flour, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for macaroni, which the article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to macaroni, to wit, a mixture composed in part of flour prepared in imitation of macaroni, and was colored with a coal-tar dye, to wit, naphthol yellow S, so as to simulate the appearance of macaroni, and in a manner whereby its inferiority to macaroni was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Extra Fine Macaroni Gragnano Style," borne on the labels attached to the boxes containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was macaroni, to wit, a product made from semolina, that is to say, coarsely ground Durum wheat, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was macaroni, to wit, a product made from semolina, that is to say, coarsely ground Durum wheat, whereas, in truth and in fact, the article was not macaroni, but was a mixture prepared from flour artificially colored. Misbranding was alleged for the further reason that the article was a mixture prepared from flour artificially colored in imitation of macaroni, and was offered for sale and sold under the distinctive name of another article, to wit, macaroni, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 2, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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