

**9402. Adulteration and misbranding of apple, muscadine, apricot, Mexicola Hot, and red grape flavor beverages. U. S. \* \* \* v. Two 16-Gallon Kegs \* \* \* of Beverage and Four 16-Gallon Kegs \* \* \* of Beverage. Default decrees of condemnation and forfeiture. Products ordered destroyed.** (F. & D. Nos. 14207, 14208. Inv. Nos. 27357, 27358, 27359, 27360, 27361, 27362. S. Nos. C-2691, C-2692, C-2693, C-2694.)

On January 24, 1921, the United States attorney for the Eastern District of Arkansas, 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 two 16-gallon kegs of alleged beverage, which were labeled in part, respectively, "Apple" and "Muscadine," and four 16-gallon kegs of alleged beverage, labeled in part, respectively, "Red Grape," "Apricot Flavor," "Apple Flavor," and "Mexicola Hot," at Collins, Ark., alleging that the articles had been shipped on or about December 8, 1920, by the Red Cross Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in substance in the libels for the reason that they contained an added poisonous or deleterious ingredient, namely, saccharin, which might render the articles injurious to health, and which had been mixed and packed with, and substituted in part for, sugar, and for the further reason that the articles were mixed and colored [in a manner] whereby damage and inferiority were concealed.

Misbranding of the apple and red grape beverages was alleged in substance for the reason that the labeling, "Apple" and "Red Grape," was false and misleading to the purchaser when applied to an imitation product prepared from an artificially colored, flavored, and sweetened solution, containing saccharin and benzoate of soda, neither being declared upon the label. Misbranding of the other articles was alleged for the reason that the following statements, "Muscadine," or "Apricot," or "Apple Flavor," or "Mexicola Hot," as the case might be, "Non-Alcoholic Artificial Flavor and Color Muscadine Flavor," or "Apricot Flavor," or "Apple Flavor," or "Mexicola Hot," as the case might be, (in very small type) "Sweetened with Saccharine \* \* \* The contents of this Package guaranteed to comply with all laws. \* \* \* Guaranteed by Red Cross Mfg. Co. St. Louis, Mo.," were false and misleading and would deceive and mislead the purchaser when applied to a product which contained saccharin, which might render the article injurious to health, and benzoate of soda, which was not declared upon the label. Misbranding was further alleged for the 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 April 26, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*

**9403. Misbranding of Euca-Mul. U. S. \* \* \* v. 13½ Dozen 16-Ounce Size and 44 Dozen 2½-Ounce Size Bottles of \* \* \* Euca-Mul. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14228, 14231, 14232. I. S. Nos. 10188-t, 10189-t, 10186-t, 10187-t, 10190-t, 10191-t. S. Nos. W-839, W-840, W-841.)

On January 25, 1921, the United States attorney for the District of Colorado, 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 13½ dozen 16-ounce size and 44 dozen 2½-ounce size bottles of Euca-Mul, consigned by the Edward G. Binz Co., Los Angeles, Calif., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the articles had been shipped on or about February 9, July 8, November 8, and November 15, 1920, and transported from the State of California into the State of Colorado, 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 was an emulsion consisting essentially of reducing sugars, glycerin, gum, oil of eucalyptus, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the following statements regarding the curative and therapeutic effects of said drugs, to wit, (16-ounce bottle label) \* \* \* Indicated In Croup \* \* \* Bronchial Asthma Tuberculosis Whooping Cough And Other Throat and Lung Affections \* \* \* relieves \* \* \* bronchial asthma. Especially effective in cough of phthisis and Whooping Cough," (2½-ounce bottles and cartons inclosing same) "\* \* \* Gives immediate Relief in \* \* \* Asthma, Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble \* \* \* excellent for all Chronic Throat and Lung Troubles. It builds up resisting power in patient, controls the cough \* \* \*," (circular accompanying each carton) "\* \* \* Will \* \* \* relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough \* \* \* For Whooping Cough \* \* \* Use \* \* \* and \* \* \* you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul \* \* \* for the effect in the disease, regardless of the cough, \* \* \* Asthma This disease should be treated with Euca-Mul, \* \* \* Croup \* \* \* Euca-Mul will be appreciated in this disease \* \* \* The persistent use of Euca-Mul brings the best result \* \* \*," were false and fraudulent in that said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 31, 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.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*

**9404. Adulteration and misbranding of canned salmon. U. S. \* \* \* v. 1,540 Cases of Canned Salmon \* \* \*. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 14431. I. S. No. 10545-t. S. No. W-867.)**

On or about February 8, 1921, the United States attorney for the Western District of Washington, 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 1,540 cases of canned salmon, labeled in part, "Pal Brand," remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped from Drier Bay, Alaska, by the Central Alaska Fisheries, Inc., Berkeley, Calif., and transported from the Territory of Alaska into the State of Washington, the shipment having arrived on or about August 22, 1920, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.