

Adulteration of the article was alleged in substance in the libel for the reason that an imitation product, that is to say, either corn sugar vinegar or distilled vinegar, or both, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement on the label on the barrels, "Cider Vinegar," was false and misleading and deceived and misled the purchaser, since the said article was an imitation product. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 21, 1921, Marquard F. Braun, claimant, having consented to a decree and having asked permission to rebrand the article so as to show the true contents of said barrels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9424. Adulteration and misbranding of Snappy Apple and Apple Beverage. U. S. * * * v. 16 Gallons * * * of Snappy Apple and 16 Gallons * * * of Apple Beverage. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14248, 14249. Inv. Nos. 27363, 27365. S. Nos. C-2712, C-2713.)

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 16 gallons of Snappy Apple and 16 gallons of Apple Beverage, at Monticello and Wilmar, Ark., respectively, alleging that the articles had been shipped by the Red Cross Mfg. Co., St. Louis, Mo., on or about December 8 and 11, 1920, respectively, 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.

Adulteration of the articles was alleged in substance in the libels for the reason that an artificially colored beverage preserved with benzoate of soda and sweetened with saccharin had been mixed and packed with, and substituted wholly or in part for, the said articles, for the further reason that they were mixed and colored in a manner whereby damage or inferiority was concealed, and for the further reason that they contained an added poisonous or deleterious ingredient, saccharin, which might render them injurious to health.

Misbranding was alleged in substance for the reason that certain statements appearing on the kegs containing the said articles, to wit, "Apple Flavor. Guarantee. The contents of this package guaranteed to comply with all laws," were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles.

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.

9425. Misbranding of Binz Bronchi-Lyptus. U. S. * * * v. 433 Bottles of Bronchi-Lyptus. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14489, 14490. Inv. Nos. 26778, 26779. S. Nos. C-2819, C-2820.)

On February 21, 1921, the United States attorney for the Eastern District of Missouri, 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 433 bottles of Binz Bronchi-Lyptus, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about July 21, March 16, and October 22, 1920, by Edward G. Binz, Los Angeles, Calif., and transported from the State of California into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) “* * * Croup, Asthmatic Cough, Whooping-Cough, and Sore Throat * * * Croup, Asthmatic Cough, Whooping-Cough * * * Sore Throat, and palliative in Tuberculous Coughs. * * * Croup, Asthmatic Cough, and Whooping-Cough, * * *;” (circular) “* * * Croup, Whooping Cough, Asthmatic Cough and a palliative in Tuberculosis Cough. * * * Sore Throat, Hoarseness and loss of Voice * * * As a Treatment in Croup * * * As a Treatment in Asthmatic Cough * * * As a Treatment in Whooping Cough * * * As a Treatment for Hoarseness and Loss of Voice * * *”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution containing essentially oil of eucalyptus, oil of peppermint, glycerin, sugar, gum acacia, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements contained in the labels and circulars, regarding the curative and therapeutic effects of the article, were false and fraudulent.

On April 28, 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.

9426. Adulteration and misbranding of lemon pie filling. U. S. * * * v. 14 Packages * * * of Lemon Pie Filling. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14594. I. S. No. 4067-t. S. No. C-2838.)

On March 9, 1921, the United States attorney for the Northern District of Illinois, 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 14 packages, more or less, of lemon pie filling, at Chicago, Ill., alleging that the article had been shipped by S. Gumpert & Co., Brooklyn, N. Y., on November 30, 1920, and transported from the State of New York into the State of Illinois, 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 a compound of cornstarch, salt, and tartaric acid had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of, and was sold under the distinctive name of, another article, to wit, lemon pie filling.

On May 20, 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.