

than 850 grams of sugar, to wit, 728.64 grams, and the standard of the strength, quality, and purity of the said article was not declared on the container therefor. Adulteration of the article considered as a food was alleged for the reason that a substance, to wit, water in excess of the permitted amount, 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 "Simple Syrup," which the article purported to be. Adulteration was alleged for the further reason that a substance, benzoate of soda, which was not declared on the label, had been mixed with the said article in a manner whereby damage and inferiority were concealed. Adulteration was alleged for the further reason that the package or container of the article was not plainly labeled to show the presence and amount of benzoate of soda contained therein, whereas, in truth and in fact, the said article contained .10 per cent benzoate of soda.

Misbranding of the article considered as a drug was alleged for the reason that the statement, to wit, "Simple Syrup," borne on the barrels and cans containing the article, concerning the article and the ingredients contained therein, was false and misleading in that it represented that the said article contained a sugar content of 850 grams per 1,000 mils as required by the United States Pharmacopœia, whereas, in truth and in fact, it did not contain a sugar content of 850 grams per 1,000 mils but did contain a less amount, to wit, 728.64 grams. Misbranding was alleged for the further reason that the said article was a product labeled and sold under the name of "Simple Syrup," composed of an excess amount of water and an insufficient amount of sugar, prepared in imitation of, and offered for sale under the name of, another article, to wit, "Simple Syrup." Misbranding was alleged for the further reason that the article contained benzoate of soda, and the label on the containers of the said article bore no statement of the amount or percentage of benzoate of soda contained therein, so as to deceive and mislead the purchaser thereof into the belief that the article was of full strength and required no preservative. Misbranding of the article considered as a food was alleged for the reason that the statement, to wit, "Simple Syrup," borne on the said labels, was false and misleading in that it represented to the purchaser thereof that the said article contained the required sugar content and did not contain more than 35 per cent of water, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure "Simple Syrup" made in accordance with the requirements laid down in the United States Pharmacopœia or the requirements of the United States Department of Agriculture for the said article, whereas, in truth and in fact, the said article did not come up to either standard but did contain a sugar content less than said standards and said article did contain more than 35 per cent of water.

On August 18, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9886. Misbranding of McMullin's tonic. U. S. * * * v. 10 Large and 8 Small Bottles of * * * McMullin's Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14843, 14853. I. S. Nos. 10784-t, 10757-t. S. Nos. W-917, W-921.)

On or about May 3 and 21, 1921, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 46 large and 44 small bottles of McMullin's tonic, remaining unsold in the original unbroken packages at Pueblo and Denver, Colo., respec-

tively, consigned by the Tilden McMullin Co., Sedalia, Mo., alleging that the article had been shipped from Sedalia, Mo., in part on or about January 28 and March 12, 1921, respectively, and in part on or about April 19, 1921, and transported from the State of Missouri 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 contained water, glycerin, iodids, phenol, and alcohol.

Misbranding of the article was alleged in substance in the libels for the reason that the bottle labels and the accompanying circular bore and contained the following statements regarding the curative and therapeutic effects of the said article, to wit, (labels, both sizes) “* * * Tonic * * * Affords great relief in cases of * * * Consumption, Asthma, Catarrh and Bronchitis,” (circular, large size) “* * * Have You Tuberculosis or Asthma? If So Don't Worry * * * my health began to fail. I had a bad cough, my appetite failed, * * * I began to lose flesh rapidly. * * * my fever would go up to 103, and I had night sweats almost every night. * * * ‘McMullin's Tonic’ * * * has done wonders for me. All the symptoms spoken of have disappeared, * * * has saved my life from that awful and most dreaded disease, Consumption. * * * I took a cold and contracted a bad cough. * * * lost my appetite * * * had night sweats and fever, and lost in weight. * * * my lungs were affected. * * * was advised to try ‘McMullin's Tonic.’ I did so and got relief at once. My cough left me before I had taken the second bottle * * * I am now entirely free from all symptoms mentioned above and * * * recommend it to anyone suffering from lung trouble or Bronchial trouble or asthma. * * * it will cure any one of the dreadful symptoms herein mentioned * * * This is the first year I have missed having Hay Fever and Asthma for ten years * * * the only remedy * * * that ever did me any good. * * * a word to Asthma Sufferers, I was a victim of that awful disease * * * I couldn't lie down for two and three nights out of a week, * * * after I had taken two bottles I felt like a new man. * * * I can recommend it, to be the best Asthma medicine I have ever used. * * * Now Asthma sufferers, * * * you can be cured * * * Have You Tuberculosis, Asthma, Hay Fever or A Stubborn Cough? Do You Have Night Sweats? Are You Gradually Losing Weight And Strength? * * * It Will Bring Back Your Good Health And The Joy Of Living * * *,” which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 31, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

9887. Misbranding of Zendejas treatment. U. S. * * * v. 34 Bottles of Zendejas Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14867. I. S. No. 10759-t. S. No. W-922.)

On or about May 21, 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 34 bottles of Zendejas treatment, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Panfilio Zendejas, Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about April 22, 1921, and transported from the State of California