

11110. Adulteration and misbranding of oats. U. S. v. Adolph Kempner Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 8147. I. S. Nos. 627-1, 4215-1.)

On April 30, 1917, 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 an information against the Adolph Kempner Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 19, 1916, from the State of Illinois into the State of New York, of a quantity of oats which were adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed that it contained barley and burnt oats.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, barley, had been substituted in part for oats which the said article purported to be, for the further reason that a certain substance, to wit, burnt oats, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that the said article consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, oats, whereas, in fact and in truth, it was not oats, but was a mixture of oats and barley.

On November 20, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

11111. Misbranding of Juven pills. U. S. v. 5 Packages of Juven Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13550. S. No. C-2313.)

On August 31, 1920, 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 5 packages of Juven pills at Chicago, Ill., alleging that the article had been shipped by the C. I. Hood Co., Lowell, Mass., February 16, 1920, and transported from the State of Massachusetts into the State of Illinois, 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 the pills contained quinine, nux vomica, celery, asafetida, and compounds of iron and manganese.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing in the circular accompanying the said article, regarding the curative and therapeutic effects of the article, to wit, "Juven Pills [are intended to] meet the needs of men and women suffering from the strenuous life of today or from what may waste the vitality and reduce the strength," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that it was effective as a remedy for the various diseases, ailments, and afflictions arising from a strenuous life or from what may waste the vitality and reduce the strength, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 23, 1922, 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.*

11112. Misbranding of apples. U. S. v. John B. Frey Co., a Corporation. Pleas of guilty. Fines, \$50. (F. & D. Nos. 14725, 16225. I. S. Nos. 5696-t, 5857-t, 5858-t.)

On July 12, 1921, and July 14, 1922, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the John B. Frey Co., a corporation, Rochester, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about October 6, 1920, and March 14, 1921, respectively, from the State of New York into the State

of Pennsylvania, of quantities of apples, a portion of which were contained in baskets and the remainder of which were contained in barrels, which in each case were misbranded. The portion of the article contained in the said barrels was labeled in part: "New York State Standard A Grade * * * Baldwin." The baskets containing the remainder of the article were unlabeled.

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

On or about November 22, 1922, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$50.

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

11113. Adulteration and misbranding of flavor of lemon and flavor of vanilla. U. S. v. Lexington Wholesale Drug Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15837. I. S. Nos. 1504-t, 2828-t, 2831-t, 10794-t, 10795-t.)

On May 20, 1922, the United States attorney for the Eastern District of Kentucky, 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 Lexington Wholesale Drug Co., a corporation, Lexington, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, on or about February 14 and 24, 1921, respectively, from the State of Kentucky into the State of Alabama, and on or about March 4, 1921, from the State of Kentucky into the State of Texas, of quantities of flavor of lemon and flavor of vanilla which were adulterated and misbranded. The articles were labeled in part: (Bottle) "Star Brand Flavor of Lemon" (or "Flavor of Vanilla") "* * * Put up by Lexington Wholesale Drug Co. Manufacturers of Drugs Lexington, Ky."

Analyses of samples of the flavor of lemon by the Bureau of Chemistry of this department showed that it was a dilute alcoholic solution containing only a trace of citral. Analyses of samples of the flavor of vanilla by said bureau showed that it was a solution of vanillin and coumarin, artificially colored, with not over 10 per cent of vanilla extract.

Adulteration of the flavor of lemon was alleged in the information for the reason that a mixture composed in part of dilute alcohol, which contained only a trace of oil of lemon, if any, had been substituted in whole or in part for flavor of lemon which the said article purported to be.

Adulteration of the flavor of vanilla was alleged for the reason that a mixture, to wit, an alcoholic solution of vanillin and coumarin, artificially colored, had been substituted in whole or in part for flavor of vanilla which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to flavor of vanilla, to wit, a mixture composed of an alcoholic solution of vanillin and coumarin prepared in imitation of flavor of vanilla, and was artificially colored so as to simulate the appearance of flavor of vanilla and in a manner whereby its inferiority to flavor of vanilla was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Flavor of Lemon" and "Flavor of Vanilla," borne on the labels attached to the bottles containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that they represented that the articles consisted wholly of flavor of lemon or flavor of vanilla, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of flavor of lemon or flavor of vanilla, as the case might be, whereas, in truth and in fact, they did not so consist, but the so-called flavor of lemon consisted of a mixture composed in part of dilute alcohol which contained only a trace of oil of lemon, if any, and the so-called flavor of vanilla consisted of an alcoholic solution of vanillin and coumarin artificially colored. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale and sold under the distinctive names of other articles, to wit, flavor of lemon or flavor of vanilla, as the case might be.

On October 19, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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