

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 743, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"FERNET-MILAN BITTERS."

On or about August 10, 1910, A. Saunig & Co., New York, N. Y., shipped from the State of New York into the State of Pennsylvania a consignment of a drug product labeled "Fernet-Milan Process. Bitters Tonic and Digestive. The only ones who possess the excellent process of manufacturing it. Fernet-Milan. Process. A. Saunig & Co., Distributors, New York. Guaranteed under the Pure Food and Drugs Law, Serial No. 8867." Analysis made by the Bureau of Chemistry, United States Department of Agriculture, of samples from the above shipment showed the product to contain 23.80 per cent alcohol. As it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said ten cases of "Fernet-Milan," charging the above shipment and alleging that the product so shipped was misbranded in that the bottles containing the said "Fernet-Milan" failed to bear a statement on the label of the quantity of alcohol contained therein.

The cause came on for hearing and no claimant to the product having appeared and no answer having been filed, the court being fully informed in the premises, issued its decree condemning and forfeiting nine and two-thirds cases of said "Fernet-Milan," the said nine and two-thirds cases being all that was found at the time of the seizure, to the use of the United States for the causes in the libel set forth and ordering the destruction of the product by the marshal for said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 30, 1911.*

