

Issued May 21, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2352.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEWING GUM.

On April 26, 1912, the United States Attorney for the District of Oregon, 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 American Chicle Co., a corporation engaged in business at Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 9, 1910, from the State of Oregon into the State of Washington of a quantity of Adams Pepsin Tutti Frutti Gum which was misbranded. The product was labeled: (On wrapper) "This is a delicious and valuable remedy for Indigestion and dyspepsia. The chewing of this gum stimulates the flow of saliva, which gradually absorbs the pepsin, the results cannot but be beneficial. Manufactured by American Chicle Co., Successor Adams & Sons Co., Reg. U. S. Pat. Off. The finest quality of pepsin is used in this gum. Adams Pepsin Wintergreen 5 tablets Tutti-Frutti Gum For Indigestion and Dyspepsia. Guaranteed by American Chicle Co. under the Food and Drugs Act, June 30, 1906. Serial No. 1557. The finest quality of pepsin is used in this gum."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that no active pepsin was present therein. Misbranding of the product was alleged in the information for the reason that the labels and brands thereon were false and misleading, and the product was misbranded in that the product contained no active pepsin, whereas the statement "Adams Pepsin Tutti Frutti Gum" upon the packages and labels was calculated to and did convey to the intending purchaser the idea that active pepsin was present therein in sufficient quantity to aid the digestion and relieve the

indigestion and dyspepsia, and the statements on the label, as set forth above, were false and misleading for the reason that they were calculated to and did convey to intending purchasers the idea that said gum contained active pepsin and possessed the proteolytic power of pepsin, whereas, in truth and in fact, it contained no active pepsin and possessed none of the proteolytic power of pepsin.

On September 18, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

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