

tained one-fortieth grain of strychnin sulphate, whereas, in truth and in fact, each of the tablets contained less than one-fiftieth grain of strychnin sulphate.

(6) Of a quantity of wine of coca, which was misbranded. This product was labeled: (On bottle)—“Wine of Coco U. S. P. The Toledo Pharmacal Company [Picture of building] Nos. 224-6-8 Jackson St., Toledo, Ohio.”

Analysis of a sample of the product by said Bureau of Chemistry showed the following results: Alcohol, 18.24 per cent by volume; ether-soluble alkaloids (cocain and cocain derivatives), one-fortieth grain per fluid ounce. Misbranding of the product was alleged in the information for the reason that it contained alcohol, cocaine, and cocaine derivatives, the presence of which and quantity and proportions of which were not disclosed by a statement on the label, set forth above.

On November 11, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$150 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 3, 1914.*

2834. Alleged misbranding of bitters. U. S. v. Basilea Calandra Co. Demurrer to information sustained. (F. & D. No. 3593. I. S. No. 12937-c.)

On February 4, 1913, the United States Attorney for the Southern District of New York, 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 Basilea Calandra Co., a corporation, New York, N. Y., alleging shipment by said company, from the State of New York into the State of Louisiana, of a quantity of bitters which was alleged to have been misbranded. The product was labeled partly in English and partly in Italian: “Fernet Bascal—compounded—contains 33% alcohol by volume. Guaranteed under the Pure Food and Drugs Act June 30, 1906.—Serial No. 4234.—Made in U. S. A.” (translation of the part of the label in Italian) “A Vermifuge and Febrifuge Liqueur. Is the only fernet which, on account of being prepared in a wholly special manner, besides having all the qualities indisputably recognized in such a kind of liquor, has the valuable property of preventing and causing to cease, disorders caused by sea voyages. No mistake can be made, then, in considering it as indispensable for a good voyage. May be taken at any time in the quantity of a small wine-glassful or mixed with any liquor or drink. At sea it should be taken as soon as the first symptoms of vomiting manifest themselves. To avoid adulterations every label will bear the signature ‘Fernet Bascal’ and the cork will be fastened at the top of the bottle with another label which will bear the same signature”.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 28.3; non-volatile matter (grams per 100 cc), 1.75; ash (grams per 100 cc), 0.09; quinin present. Misbranding of the product was alleged in the information for the reason that the label thereon would indicate that it was a foreign product, to wit, a product of Italy, whereas, in truth and in fact, it was not a foreign product but was a product made in the United States.

On February 24, 1913, the defendant company filed its demurrer to the information and on March 17, 1913, the court sustained the demurrer on oral argument, without rendering a formal opinion.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 3, 1914.*

2835. Misbranding of clams. U. S. v. 50 Cases of Clams. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 3597. S. No. 1320.)

On or about March 23, 1912, the United States Attorney for the Northern District of New York, 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 50 boxes, each containing 4 dozen one-pound cans of an article purporting and representing to be little-neck clams, remaining unsold in the original unbroken packages

and in possession of S. C. Wooster, Albany, N. Y., alleging that the product had been shipped by Jasper Wyman & Son, Millbridge, Me., and transported in interstate commerce from the State of Maine into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled (on cases and cans): "Hunter Brand Little Neck Clams, Packed by Jasper Wyman & Son at Millbridge, Washington Co., Me., U. S. A., Extra Quality. * * *"

Misbranding of the product was alleged in the libel for the reason that it was labeled as set forth above, when, as a matter of fact and in truth, the said cases or boxes and cans hereinbefore referred to, did not contain little-neck clams, so-called, but the clams therein contained were of an inferior character and kind and were not of the kind commonly known and called little-neck clams, all of which was calculated to deceive and mislead the purchaser thereof, and further, the said label and the words written or printed thereon were false and misleading and constituted a misbranding within the meaning of the act aforesaid.

On April 26, 1912, the said Jasper Wyman & Son, claimant, having appeared by attorney and filed no answer, and having conceded the truth of the allegations in the libel, and the libelant and respondent having agreed as to the facts in the case, and same having been submitted to the court, a jury having been waived and witnesses having been sworn and given testimony in behalf of the libelant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be restored to said claimant upon payment of all the costs in the proceeding, taxed at \$15.45, and the execution of bond in the sum of \$300, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 3, 1914.*

2836. Adulteration of dried eggs. U. S. v. 10 Boxes of Dried Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 3600. S. No. 1322.)

On March 23, 1912, the United States Attorney for the Northern District of New York, 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 10 boxes of dried eggs, remaining unsold in the original unbroken packages and in the possession of John D. Parsons, Albany, N. Y., alleging that the product had been shipped from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it was declared by the invoices thereof to be dried eggs, when, in truth and in fact, the said article consisted in whole or in part of filthy, decomposed, and putrid animal substances and thereby was unfit for food.

On May 26, 1912, no claimant having appeared for the property, although C. H. Weaver & Co., Chicago, Ill., the owners of the dried eggs, were duly warned to appear, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal, and that the costs of the proceeding, taxed at \$30.90, should be paid by the said C. H. Weaver & Co.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 3, 1914.*

2837. Misbranding of bitters. U. S. v. S. Hirsch Distilling Co. (Minuet Cordial Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 3608. I. S. No. 17343-c.)

On July 19, 1912, the United States Attorney for the Western District of Missouri, 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 S. Hirsch Distilling Co., a corporation, Kansas City, Mo., doing business under the trade name of Minuet Cordial