3404. Adulteration and misbranding of honey. U. S. v. 2 Cases * * * Strained Honey. Decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 3477. I. S. No. 13972-d. S. No. 1290.)

On February 28, 1912, the United States attorney for the Eastern District of Pennsylvania, 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 2 cases, each containing 9 15-pound cans of honey, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on or about February 23, 1912, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that a certain article, to wit, invert sugar, had been substituted in whole or in part for pure honey in the said article of food. Misbranding was alleged for the reason that the label upon each of the cans containing the article of food bore a statement regarding such article and the ingredients and substances therein which was false and misleading, in that said label upon each of said cans bore the following statement: "Excelsior Choice Pure Strained Honey. Guaranteed under the National Pure Food & Drugs Act; June 30th, 1906, under Serial No. 14914 by Excelsior Honey Co., N. Y.", which statement was calculated and adapted to convey the impression and belief that said article of food was pure honey, whereas, in truth and in fact, said article was not pure honey but was a mixture of honey and invert sugar.

On May 13, 1914, the case having come on for hearing, and Max Cohen and William I. Cohen, trading as the Excelsior Honey Co., having appeared for the property but never having filed an answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal and that the costs of the proceedings should be paid by said claimants.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3405. Adulteration and misbranding of nitroglycerin tablets. U. S. v. Chicago Pharmacal Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 3484. I. S. No. 11245-d.)

On April 26, 1913, 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 Chicago Pharmacal Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on July 27, 1911, from the State of Illinois into the State of Michigan, of a quantity of nitroglycerin tablets which were adulterated and misbranded. Analysis of a sample of the product by the Bureau of Chemistry of this department showed the presence of 0.009 grain nitroglycerin per tablet.

Adulteration of the product was alleged in the information for the reason that the label borne on the bottle containing the drug product aforesaid represented to the purchaser that each of the nitroglycerin tablets shipped in the bottle aforesaid contained 1/50 of a grain of nitroglycerin, whereas, in truth and in fact, the strength of each of the nitroglycerin tablets packed in the bottle aforesaid fell below the professed standard under which the drug product aforesaid had been sold and shipped, in that each of the nitroglycerin tablets contained not to exceed, to wit, 0.009 of a grain of nitroglycerin. It was alleged in the information that the product was misbranded in that the bottle containing it bore a label in words and figures as follows, to wit: "1000 Tablets 1154 Nitroglycerin 1/50 gr. Chicago Pharmacal Company, Pharmaceutical Chemists,