

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Acetanilid (per cent).....	2.22
Caffein.....	0.41
Salicylic acid (per cent).....	2.26
Potassium bromid (per cent).....	3.93

Misbranding of the product was alleged in the information for the reason that the label on each of the packages bore false and misleading statements: (1) The said statement that the article, that is to say, Dodson's remedy, was an effectual remedy for headache, toothache, and other disorders, was false and misleading, in that it conveyed the impression that said article possessed therapeutic properties with effectual remedial action in the disorders enumerated as above, whereas, in fact, said preparation did not possess therapeutic properties with effectual remedial action, in the case of headache or any other of the said enumerated disorders. (2) The said statement that said remedy contained no habit-forming drugs was false and misleading, in that said preparation in fact contained caffein and acetanilid, both of which substances are habit-forming drugs. (3) The said statement that said preparation "is perfectly safe and may be taken without injury if used according to directions" was false and misleading, in that it conveyed the impression that the product contained no harmful ingredients, or ingredients which might be harmful if indiscriminately used, where[as], in fact said preparation contained, as above stated, caffein and acetanilid, each of which is a harmful and dangerous substance when used indiscriminately and without competent medical direction. (4) Each of the said packages failed to bear a statement on the label affixed thereto of the quantity and proportion of acetanilid contained in the contents thereof, whereas, in fact, of the the contents of each of said packages, 2.22 per cent was acetanilid.

On June 11, 1914, the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel, the case was given to the jury, and after due deliberation the jury returned into the court with its verdict of not guilty.

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

WASHINGTON, D. C., *October 13, 1914.*

3495. Adulteration and misbranding of vinegar. U. S. v. 75 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 3139. I. S. No. 1950-d. S. No. 1143.)

On November 1, 1911, the United States attorney for the Eastern District of Wisconsin, 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 75 barrels of vinegar, remaining unsold in the original unbroken packages as Oshkosh, Wis., alleging that the product had been shipped by Spielmann Bros. Co., Chicago, Ill., on October 5, 1911, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. Forty-five of the barrels were labeled, "Guaranteed Cider Vinegar, 4½ per centum, Spielmann Brothers Co."; 20 barrels were labeled, "Guaranteed Cider Vinegar, 4 per centum, Spielmann Brothers Co."; and 10 barrels were labeled, "Guaranteed Cider Vinegar, 5 per centum, Spielmann Brothers Co."

Adulteration of the product was alleged in the libel for the reason that it had been so mixed and diluted with acetic acid or distilled vinegar and to such an extent and amount as to reduce, lower, and injuriously affect its quality, substance, and strength, and, further, in that it had been mixed and diluted to such an extent with such acetic acid or distilled vinegar that said substance known as acetic acid or distilled vinegar had been wholly or in part substituted for the product of pure cider vinegar. Misbranding was alleged for the reason that said barrels so labeled as aforesaid contained

an article of food and an article which enters into the composition of food which was an imitation of cider vinegar and was offered for sale and was sold in interstate commerce as aforesaid under the distinctive name of "Guaranteed Cider Vinegar," whereas, in truth and in fact, said vinegar was not cider vinegar, but consisted largely of a mixture of dilute acetic acid or distilled vinegar. Misbranding was alleged for the further reason that said label or brand as aforesaid bore the statement that the product was guaranteed cider vinegar in such form and display as to give the impression that the contents were pure cider vinegar, when, in truth and in fact, an unlike substance, distilled vinegar, had been intermingled therewith and substituted wholly or in part for pure cider vinegar, and that all of such statements on said labels as aforesaid were false and misleading and calculated to deceive and mislead the purchasers thereof.

On February 27, 1914, the said Spielmann Bros. Co. having withdrawn their demurrer to the libel theretofore interposed and having consented to a decree, the court ordered and pronounced that all persons claiming any right, interest or title in and to said vinegar were in contumacy and default, and that the product should be condemned as misbranded. It was further ordered that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with the act.

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

WASHINGTON, D. C., *October 14, 1914.*

3496. Adulteration and misbranding of cider vinegar. U. S. v. 19 Barrels and 30 Half-barrels of Sirup Vinegar; and U. S. v. 19 Barrels and 30 Half-barrels of Cider Vinegar. Product released on bond. Libel against sirup vinegar dismissed. (F. & D. No. 3143. I. S. Nos. 996-d, 997-d. S. No. 1146.)

On November 1, 1911, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 19 barrels and 30 half-barrels of sirup vinegar, and 19 barrels and 30 half-barrels of cider vinegar, remaining unsold in the original unbroken packages at Point Pleasant, W. Va., alleging that the product had been shipped from the State of Pennsylvania into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cider vinegar was labeled: "Price and Lucas—Pure Cider Vinegar Guaranteed—Alleghany, Pa."

Adulteration of this product was alleged in one of the libels for the reason that a dilute solution of acetic acid or distilled vinegar had been mixed therewith so as to reduce and lower and injuriously affect its strength, quality, and purity. Misbranding was alleged for the reason that none of the barrels or half-barrels contained "Price and Lucas—Pure Cider Vinegar" as they purported to contain, as evidenced by the markings on said barrels and half-barrels, but they contained a compound or mixture consisting wholly or in part of a dilute solution of acetic acid or distilled vinegar which had been mixed and prepared in imitation of cider vinegar and substituted therefor, and the labeling of said barrels and half-barrels as containing "Price and Lucas Pure Cider Vinegar" was misleading and false, so as to deceive and mislead the purchaser and was a misbranding within the meaning of said act.

On April 29, 1914, the case against the cider vinegar having come on for a hearing and the Price and Lucas Cider Vinegar Co., claimant, having tendered a bond in the sum of \$400, in conformity with section 10 of the act, it was ordered by the court that the product, after having been properly branded, should be released to said claimant company or to the party in whose possession the product was found, and that said claimant should pay the cost of the proceedings. Through a misunderstanding the case against the sirup vinegar was dismissed.

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

WASHINGTON, D. C., *October 13, 1914.*