

4082. Adulteration and misbranding of gelatin. U. S. * * * v. 1 Drum, more or less, of Gelatin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5803. I. S. No. 7438-h. S. No. C-60.)

On July 6, 1914, the United States attorney for the Southern District of Iowa, 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 1 drum of gelatin, remaining unsold in the original unbroken packages at Red Oak, Iowa, alleging that the product had been shipped, on or about June 19, 1914, and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Clarkson Gelatine Works, Chicago."

It was alleged in the libel that the said article was being held for sale and sold as "Ground Gelatine," when, in truth and in fact, it consisted of a mixture containing sugar, bicarbonate of soda, and bone glue, and excessive amounts of zinc and copper, which caused the strength and purity of said goods to fall below the professed standard and quality under which it was sold, in violation of the Food and Drugs Act. It was further alleged that the article was liable to condemnation and confiscation for the reason that the barrel or container did not contain [A 1] ground gelatin, but, in truth and in fact, contained, wholly or in part, a mixture of gelatin, sugar, bicarbonate of soda, bone glue, and excessive amounts of zinc and copper goods, which, having been mixed therewith, rendered the same adulterated, in violation of section 7 of the Food and Drugs Act. It was further alleged that the sale and keeping for sale of said drum or container as containing [A 1] ground gelatin was misleading and false and such as to mislead and deceive the purchaser, and such as to enable the offering of the contents for sale as being [A 1] ground gelatin, when, in truth and in fact, the same was not such as was offered for sale, and was an unlawful adulteration within the meaning of the statute aforesaid. It was further alleged that said drum or container contained arsenic, 2 parts per million; copper, 74 parts per million; zinc, 607 parts per million; sugar, 2.73 per cent; together with excessive amounts of zinc and copper added, which might render the said article injurious to health. It was further alleged that in addition to said ingredients above set out there had been added to said shipment bone glue, sugar, and bicarbonate of soda, which had been substituted for gelatin in such a manner as to reduce and lower and injuriously affect the quality and strength of said contents; that by reason of the ingredients set out above in detail, some of said article had been substituted, wholly or in part, for said [A 1] ground gelatin; that by the substitution of said article heretofore set out a valuable constituent of said article, to wit, gelatin, had been, wholly or in part, abstracted; all in violation of section 7 of the Food and Drugs Act. It was further alleged that, by reason of said mixture of said foreign ingredients with said gelatin, the quality and strength of said gelatin was injuriously affected, reduced, and lowered, and the said contents of the said drum or container, as held and sold and offered for sale, contained poisonous and deleterious ingredients which rendered said article injurious to health.

It was further alleged that the drum was misbranded as to the character of its contents by brands appearing thereon outside of the original barrel or container, and that the same was liable to condemnation and confiscation as provided in said act for the reason that said drum or container did not contain [A 1] ground gelatin, but, in truth and in fact, contained, wholly or in part, a mixture of sugar, bicarbonate of soda, and bone glue, and excessive amounts of zinc and copper and other substances, all made from substances other than gelatin and a foreign substance to said article of gelatin, prepared in imitation of gelatin, and which foreign matters had been mixed and packed in imitation of the true gelatin, and had been substituted therefor, rendering the same adulterated, in violation of section 7 of the Food and Drug Act, and that within said mixture were certain substances substituted for said gela-

tin product, whereby the same was misbranded in violation of said section 8 of said Food and Drugs Act; that the labeling of said drum or container, as containing [A 1] ground gelatin, was misleading and false, and was such as to mislead and deceive the purchasers, and was such as to enable the offering of the contents for sale as [A 1] ground gelatin, when, in truth and in fact, the same was not such as was offered for sale, and was an unlawful misbranding within the meaning of the statute aforesaid, and was also an unlawful adulteration and mixture of said product.

On March 9, 1915, no claimant having appeared for the property, 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.

(The investigation by this department, upon which the recommendation for the seizure of the article was based, did not show that the article contained bicarbonate of soda.)

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 1, 1915.*