

**6638. Adulteration and misbranding of effervescent magnesia. U. S. * * *
v. Scaramelli & Co., a corporation. Plea of guilty. Fine, \$100.
(F. & D. No. 8886. I. S. No. 1308-p.)**

On December 6, 1918, 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 Scaramelli & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on May 1, 1917, from the State of New York into the State of Connecticut, of a quantity of an article labeled in part, "Effervescent Aurora," and invoiced as magnesia, which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to consist of tartaric acid, sodium bicarbonate, sugar, and borax or boric acid.

Adulteration of the article was alleged in the information for the reason that an imitation product, to wit, a mixture composed in part of bicarbonate of soda, tartaric acid, sugar, and either borax or boric acid, had been substituted in whole or in part for effervescent magnesia, which the article purported to be, and for the further reason that it contained an added poisonous or deleterious ingredient, to wit, either borax or boric acid, which may render the article injurious to health.

Misbranding of the article was alleged for the reason that it was a product, to wit, a mixture composed in part of bicarbonate of soda, tartaric acid, sugar, and either borax or boric acid, prepared in imitation of effervescent magnesia, and was offered for sale and sold under the name of another article, to wit, effervescent magnesia.

On December 11, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

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