

Foss Fruit Syrup Co., St. Louis, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 8, 1917, from the State of Missouri into the State of Illinois, of a quantity of an article labeled in part, "Sweet-Heart-Cherry * * * Prepared by Foss Fruit Syrup Co., St. Louis, Mo., U. S. A.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this Department showed the following results:

Solids by refractometer (per cent)-----	53.25
Non-sugar solids (per cent)-----	0.95
Sucrose by copper reduction (per cent)-----	0.10
Reducing sugars before inversion (per cent)-----	52.2
Benzaldehyde (grams per 100 cc.)-----	0.008
Total acidity as citric (grams per 100 cc.)-----	1.02
Ash (per cent)-----	0.02

Color (vegetable dye): Cudbear.

The above results show the product to be an imitation cherry sirup, artificially colored.

Adulteration of the article was alleged in the information for the reason that it was a product inferior to cherry sirup, to wit, an artificially flavored product composed largely of sugar sirup and citric acid, and containing little, if any, fruit sirup, prepared in imitation of cherry sirup, and was artificially colored so as to simulate the appearance of cherry sirup and in a manner whereby its inferiority to cherry sirup was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Cherry, a combination of pure cherry products," borne on the label attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that it was, to wit, cherry sirup, a combination of pure cherry products; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, cherry sirup, a combination of pure cherry products, whereas, in truth and in fact, it was not cherry sirup, a combination of pure cherry products, but was an artificially flavored mixture which contained little or no cherry products; and for the further reason that it was an artificially flavored mixture which contained little or no cherry products, artificially colored and prepared in imitation of, to wit, pure cherry sirup, and was sold under the distinctive name of another article, to wit, cherry.

On December 9, 1918, one of the defendants, Robert L. Horton, entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs. A nolle prosequi was entered as to the other defendants.

J. R. Riggs, Acting Secretary of Agriculture.

6747. Adulteration and misbranding of Hostalley's Hypophosphites (Syr. Hypophos. Comp.) and Hostalley's Chemically Pure Hypophosphites (Sol. Hypophos. Comp.). U. S. * * * v. William H. Hostalley (W. H. Hostalley & Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 9112. I. S. Nos. 1886-1887-p.)

On February 24, 1919, 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 an information against William H. Hostalley, trading as W. H. Hostalley & Co., Philadelphia, Pa., alleging the shipment on or about November 2, 1917 (2 shipments), by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania, into the State of Maryland, of a quantity, of an article

labeled in part "Hostelley's Hypophosphites (Syr. Hypophos. Comp.)" and of one labeled in part "Hostelley's Chemically Pure Hypophosphites (Sol. Hypophos. Comp.)," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

SYRUP OF HYPOPHOSPHITES COMPOUND.

Ingredients.	Grams per 1,000 mils.	Grains per fluid drachm.	Per cent variation from amount declared.	Per cent variation from N. F.
Quinine hypophosphite.....		0.101	-62
Equivalent to crystallized quinine.....	1.57			+ 31
Calcium hypophosphite (lime hypophosphite).....	16.1	0.92	-37	- 54
Manganese hypophosphite.....	1.14	0.065	-78	- 50
Iron hypophosphite.....	0.13	0.007	-86	- 95
Potassium hypophosphite.....	None.			-100
Sodium hypophosphite.....	10.8	0.62	(None declared).	- 38
Invert sugar.....	524			
Equivalent to sucrose.....	498			- 29
Citrates.....	None.			
Glycerin.....	None.			
Strychnine.....	Present.			

Alcohol, by volume (per cent), 4.3.

Analysis shows product to vary widely from its declared composition and from the National Formulary requirements.

SOLUTION OF HYPOPHOSPHITES COMPOUND.

Ingredients.	Grams per 1,000 mils.	Grains per fluid drachm.	Per cent variation from amount declared.	Per cent variation from N. F.
Quinine hypophosphite.....	1.96	0.112	-55	- 11
Manganese hypophosphite.....	2.5			+ 14
Iron hypophosphite.....	0.55			- 88
Calcium hypophosphite.....	13.6			+119
Sodium hypophosphite.....	16.0			+627
Potassium hypophosphite.....	None.			-100
Strychnine.....	Present.			
Glycerin.....	None.			
Sugar.....	None.			

Alcohol, by volume (per cent), 5.8.

Analysis shows product to vary widely from its declared composition and from the National Formulary requirements.

Adulteration of the article in each shipment was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as prescribed by that authority official at the time of investigation of the article.

Misbranding of the "Syr. Hypophos. Comp." was alleged for the reason that the statements, to wit, "Composition: Each fluid drachm contains 1½ grs. Hypophosphite of Lime, ¼ gr. each Hypophosphite Manganese and Quinine, ½ gr. Hypophosphite Iron and 1/64 gr. Hypophosphite Strychnine, in a glycernized, non-cloying vehicle," borne on the label attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that each fluid drachm of the article contained 1½ grains hypophosphite of lime, ¼ grain hypophosphite manganese, ½ grain quinine hypophosphite, and ½ grain hypophosphite of iron, and that said drug was in a glycernized, noncloying vehicle, whereas, in truth and in fact, each drachm contained less than 1½ grains of hypophosphite of lime, ¼ grain hypophosphite of manganese, ¼ grain quinine hypophosphite, and ½ grain hypophosphite of iron, to wit, 0.92 grain hypophosphite of lime, 0.065 grain hypophosphite of manganese, 0.101 grain quinine hypophosphite, 0.007 grain