

District Court of the United States for said district a libel for the seizure and condemnation of 433 bottles of Binz Bronchi-Lyptus, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about July 21, March 16, and October 22, 1920, by Edward G. Binz, Los Angeles, Calif., and transported from the State of California into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) "* * * Croup, Asthmatic Cough, Whooping-Cough, and Sore Throat * * * Croup, Asthmatic Cough, Whooping-Cough * * * Sore Throat, and palliative in Tuberculous Coughs. * * * Croup, Asthmatic Cough, and Whooping-Cough, * * *;" (circular) "* * * Croup, Whooping Cough, Asthmatic Cough and a palliative in Tuberculosis Cough. * * * Sore Throat, Hoarseness and loss of Voice * * * As a Treatment in Croup * * * As a Treatment in Asthmatic Cough * * * As a Treatment in Whooping Cough * * * As a Treatment for Hoarseness and Loss of Voice * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution containing essentially oil of eucalyptus, oil of peppermint, glycerin, sugar, gum acacia, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements contained in the labels and circulars, regarding the curative and therapeutic effects of the article, were false and fraudulent.

On April 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9426. Adulteration and misbranding of lemon pie filling. U. S. * * * v. 14 Packages * * * of Lemon Pie Filling. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14594. I. S. No. 4067-t. S. No. C-2838.)

On March 9, 1921, 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 a libel for the seizure and condemnation of 14 packages, more or less, of lemon pie filling, at Chicago, Ill., alleging that the article had been shipped by S. Gumpert & Co., Brooklyn, N. Y., on November 30, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a compound of cornstarch, salt, and tartaric acid had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of, and was sold under the distinctive name of, another article, to wit, lemon pie filling.

On May 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.