

9580. Misbranding of "The Home" rheumatism remedy. U. S. * * * v. Mark H. Jackson. Plea of guilty. Fine, \$100. (F. & D. No. 12101. I. S. Nos. 12567-r, 12936-r.)

On July 30, 1920, the United States attorney for the Northern 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 Mark H. Jackson, Syracuse, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 18 and May 2, 1919, respectively, from the State of New York into the State of Massachusetts, of quantities of "The Home" rheumatism remedy which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed of aloes, licorice, cornstarch, and Bland's mass, each tablet containing $\frac{1}{8}$ grain of ferrous carbonate.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the therapeutic and curative effects thereof, appearing in the circular accompanying the consignment of January 18, falsely and fraudulently represented it to be effective as a treatment, preventive, remedy, and cure for rheumatism, gout, lumbago, sciatica, and scrofula, and certain statements appearing on an envelope containing the product consigned on May 2 and on post cards accompanying this consignment falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, when, in truth and in fact, it was not.

On October 6, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9581. Adulteration and misbranding of egg noodles. U. S. * * * v. 237 Cases of Egg Noodles * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13001. I. S. No. 3444-r. S. No. W-622.)

On July 6, 1920, the United States attorney for the Western District of Washington, 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 237 cases of egg noodles, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped by the F. A. Martoccio Macaroni Co., Minneapolis, Minn., in March, 1920, and transported from the State of Minnesota into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "* * * Quality Brand Egg Noodles made from Semolina and Eggs * * *"

Adulteration of the article was alleged in substance in the libel for the reason that a product deficient in eggs had been mixed and packed with, and substituted wholly or in part for, egg noodles.

Misbranding was alleged for the reason that the statement on the label, "Egg Noodles," was false and misleading and deceived and misled the purchaser when applied to a product deficient in eggs, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On July 30, 1920, the F. A. Martoccio Macaroni Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled as "Plain Noodles" under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*