

of the United States for said district libels for the seizure and condemnation of 35 cases, 21 cases, and 15 cases of vinegar, remaining in the original unbroken packages at Waterbury, New Britain, and New Haven, Conn., respectively, alleging that the article had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., in part August 10 and in part September 20, 1920, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, (bottle) "Steuben Brand Reduced To 4% Acetic Acid * * * Made From Apples * * * Net Contents One Pint. Reduced Cider Vinegar Fermented Naas Cider & Vinegar Co., Inc., Cohocton, N. Y."

Adulteration of the article was alleged in substance in the libels for the reason that distilled vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the said cases and bottles bore certain statements, words, and devices regarding the article, to wit, "Cider Vinegar Fermented Made From Apples * * * Net Contents One Pint," together with a design showing a red apple, which were false and misleading, and which were of such a character as to induce the purchaser to believe that the article was cider vinegar, whereas, in truth and in fact, it was not, but was a product deficient in cider vinegar and containing distilled vinegar. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously stated in terms of weight or measure on the outside of the package, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cider vinegar.

On April 14, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal or sold by the marshal if such sale could be speedily effected.

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

9869. Adulteration and misbranding of prepared mustard. U. S. * * * v. 101 Cases * * * of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14621. I. S. Nos. 1103-t, 1104-t, 1105-t. S. Nos. C-2865, C-2866.)

On March 15, 1921, the United States attorney for the District of Kansas, 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 101 cases, more or less, of prepared mustard, remaining unsold in the original unbroken packages at Atchison, Kans., alleging that the article had been shipped in part by the Evans Rich Mfg. Co., St. Louis, Mo., November 12, 1920, and in part by the Bayle Food Products Co., St. Louis, Mo., July 24 and August 4, 1920, respectively, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part, (jars) "* * * Prepared Mustard Colored With Turmeric * * *." The remainder was labeled in part, (jars) "* * * Prepared mustard. Mustard Seed, Vinegar, Spices and Condiments, Colored With Turmeric * * *."

It was alleged in substance in the libel that the article was adulterated in that it contained mustard hulls, which had been packed and substituted for the pure article, and in that it had been colored in a manner to conceal inferiority.

It was alleged in substance that the article was misbranded in that the labels as above quoted were misleading and calculated to deceive the purchaser into the belief that the said article was pure mustard and in that the said article was a mixture [imitation] of, and was offered for sale under the distinctive name of, another article. Misbranding was alleged in substance for the further reason that the article was food in package form, and the quantity of the contents was not branded and conspicuously marked on the outside of the package.

On June 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.*

9870. Adulteration of shell eggs. U. S. * * * v. Waite D. Law. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 11033. I. S. No. 5807-r.)

On February 4, 1920, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Waite D. Law, Springfield, Mo., alleging shipment by said defendant, on or about August 6, 1918, in violation of the Food and Drugs Act, from the State of Missouri into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination of 8 one-half cases showed 27.8 per cent of inedible eggs, consisting of black rots, mixed rots, spot rots, blood rings, and moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 5, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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

9871. Misbranding of Nervosex tablets. U. S. * * * v. 5 Boxes of Nervosex Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14194. Inv. No. 27002. S. No. C-2690.)

On January 17, 1921, the United States attorney for the Western District of Texas, 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 5 boxes of Nervosex tablets, at San Antonio, Tex., alleging that the article had been shipped by the United Laboratories, Inc., St. Louis, Mo., on or about June 26, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained strychnine, phosphates, iron, zinc, and calcium compounds.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements and claims appearing on the boxes containing the said article, regarding the curative and therapeutic effects thereof, "Nervosex Tablets. A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 2, 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.*