

iron compound, and vegetable extractives, including nux vomica, in tablet form.

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the bottles containing the said article bore the following statements regarding the curative and therapeutic effects thereof, "Nervosex Tablets. A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *," which were false and fraudulent in that the said article did not contain any ingredients or combination of ingredients capable of producing the effects claimed.

On September 9, 1921, no claimant having appeared for the property, judgment was entered ordering the destruction of the product by the United States marshal.

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

9884. Adulteration of tomato purée. U. S. * * * v. 40 Cases * * * of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14693. I. S. No. 7526-t. S. No. E-3208.)

On April 1, 1921, 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 a libel for the seizure and condemnation of 40 cases of tomato purée, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about November 27, 1920, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Alhambra Brand Tomato Puree carefully selected quality guaranteed * * *."

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

On July 8, 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.*

9885. Adulteration and misbranding of simple sirup. U. S. * * * v. Bump Confectionery Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 14732. I. S. No. 9304-r.)

On June 20, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bump Confectionery Co., a corporation, Anna, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 18, 1920, from the State of Illinois into the State of Missouri, of a quantity of simple sirup which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a dilute sugar sirup containing benzoate of soda. It contained 57.6 per cent by weight, or 728.64 grams per 1,000 cc., of sucrose.

Adulteration of the article considered as a drug was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia required that in 1,000 mils of the said article there should be present 850 grams of sugar, whereas in 1,000 mils of the said article there was present a less amount

than 850 grams of sugar, to wit, 728.64 grams, and the standard of the strength, quality, and purity of the said article was not declared on the container therefor. Adulteration of the article considered as a food was alleged for the reason that a substance, to wit, water in excess of the permitted amount, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for "Simple Syrup," which the article purported to be. Adulteration was alleged for the further reason that a substance, benzoate of soda, which was not declared on the label, had been mixed with the said article in a manner whereby damage and inferiority were concealed. Adulteration was alleged for the further reason that the package or container of the article was not plainly labeled to show the presence and amount of benzoate of soda contained therein, whereas, in truth and in fact, the said article contained .10 per cent benzoate of soda.

Misbranding of the article considered as a drug was alleged for the reason that the statement, to wit, "Simple Syrup," borne on the barrels and cans containing the article, concerning the article and the ingredients contained therein, was false and misleading in that it represented that the said article contained a sugar content of 850 grams per 1,000 mls as required by the United States Pharmacopœia, whereas, in truth and in fact, it did not contain a sugar content of 850 grams per 1,000 mls but did contain a less amount, to wit, 728.64 grams. Misbranding was alleged for the further reason that the said article was a product labeled and sold under the name of "Simple Syrup," composed of an excess amount of water and an insufficient amount of sugar, prepared in imitation of, and offered for sale under the name of, another article, to wit, "Simple Syrup." Misbranding was alleged for the further reason that the article contained benzoate of soda, and the label on the containers of the said article bore no statement of the amount or percentage of benzoate of soda contained therein, so as to deceive and mislead the purchaser thereof into the belief that the article was of full strength and required no preservative. Misbranding of the article considered as a food was alleged for the reason that the statement, to wit, "Simple Syrup," borne on the said labels, was false and misleading in that it represented to the purchaser thereof that the said article contained the required sugar content and did not contain more than 35 per cent of water, 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 pure "Simple Syrup" made in accordance with the requirements laid down in the United States Pharmacopœia or the requirements of the United States Department of Agriculture for the said article, whereas, in truth and in fact, the said article did not come up to either standard but did contain a sugar content less than said standards and said article did contain more than 35 per cent of water.

On August 18, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

9886. Misbranding of McMullin's tonic. U. S. * * * v. 10 Large and 8 Small Bottles of * * * McMullin's Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14843, 14853. I. S. Nos. 10784-t, 10757-t. S. Nos. W-917, W-921.)

On or about May 3 and 21, 1921, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 46 large and 44 small bottles of McMullin's tonic, remaining unsold in the original unbroken packages at Pueblo and Denver, Colo., respec-