

the further reason that the article was a product composed in part of saccharin, synthetic esters, and a coal-tar dye, which reacts like amaranth, prepared in imitation of, and sold under the distinctive name of, another article, to wit, raspberry soda.

On June 28, 1921, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50.

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

10016. Adulteration and misbranding of prepared mustard. U. S. * * * v. 4 Barrels * * * of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15025. I. S. No. 5483-t. S. No. E-3418.)

On July 13, 1921, the United States attorney for the District of Massachusetts, 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 4 barrels of prepared mustard, remaining in the original unbroken packages at Lowell, Mass., alleging that the article had been shipped by Plochman & Witt, Chicago, Ill., on or about August 26, 1920, and transported from the State of Illinois into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Standard Brand Prepared Mustard Colored With Turmeric 50 Gals. Plochman & Witt Chicago."

Adulteration of the article was alleged in the libel for the reason that substances, to wit, mustard hulls and an excessive quantity of starch, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for prepared mustard, which the said article purported to be. Adulteration was alleged for the further reason that a coloring matter, to wit, turmeric, had been added and mixed with the said article in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statement, to wit, "Standard Brand Prepared Mustard," borne on the barrels containing the article, concerning the article and the substances and ingredients contained therein, was false and misleading, 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 prepared mustard of standard quality, whereas, in truth and in fact, it was not prepared mustard of standard quality, but was a product containing mustard hulls and an excessive quantity of cornstarch. Misbranding was alleged for the further reason that the article was a product composed wholly or in part of mustard hulls and an excessive quantity of cornstarch and a coloring matter, to wit, turmeric, and was prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, prepared mustard.

On November 14, 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.*

10017. Misbranding of Lung Germine. U. S. * * * v. 6 Bottles and 1½ Dozen Bottles of Lung Germine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15130, 15131. Inv. Nos. 32683, 32684. S. No. E-3417.)

On July 11, 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 libels for the seizure and condemnation of 2 dozen bottles of Lung Germine, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about April 7, May 31, and June 19, 1921, respectively, and transported from the State of Michigan into the State of New York, 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 sulphuric acid, a small amount of iron sulphate, a trace of aromatics, about 2 per cent of alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the labeling bore certain statements, designs, and devices regarding the curative and therapeutic effect of the said article or the ingredients and substances contained therein, which were false and fraudulent.