

10044. Misbranding of Shores lung balsam and Shores Mountain Oil liniment. U. S. * * * v. Shores-Mueller Co., a Corporation. Plea of guilty. Fine, \$60 and costs. (F. & D. No. 14322. I. S. Nos. 8262-r, 8263-r.)

At the September, 1921, term of the United States District Court within and for the Northern District of Iowa, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Shores-Mueller Co., a corporation, Cedar Rapids, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 8, 1920, from the State of Iowa into the State of Illinois, of a quantity of Shores lung balsam and Shores Mountain Oil liniment, which were misbranded.

Analysis of a sample of the lung balsam by the Bureau of Chemistry of this department showed that it contained pine tar, ammonium chlorid, a salicylate, chloroform, glycerin, sugar, and water. Analysis of a sample of the Mountain Oil liniment showed that it contained cajeput, wintergreen, sassafras and cedar oils, camphor, ammonia, borax, sodium carbonate, plant extractives, including capsicum oleoresin, alcohol, and water.

Misbranding of the articles was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the respective articles and in booklets accompanying the same, falsely and fraudulently represented that the lung balsam was effective as a preventive, treatment, remedy, and cure for sore lungs, bronchitis, sore throat, la grippe, whooping cough and croup, and for throat and lung trouble; and that the Mountain Oil liniment was effective as a preventive, treatment, remedy, and cure for colds, cramps, colic, cholera morbus, diarrhea, la grippe, rheumatism, burns, chills, cholera, dysentery, indigestion, sore throat, and mumps, as a remedy for all aches and pains, as a preventive, treatment, remedy, and cure for diarrhea in hogs due to infection of hog cholera, and as a treatment, remedy, and cure for hog cholera and for chicken cholera, when, in truth and in fact, the said articles did not contain ingredients effective for the purposes named. Misbranding was alleged with respect to the Mountain Oil liniment for the further reason that the statement, to wit, "40% Alcohol," borne on the labels attached to the bottles containing the said article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that each of the bottles contained not less than 40 per cent of alcohol, whereas, in truth and in fact, each of said bottles contained less than 40 per cent of alcohol; and for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On October 6, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$60 and costs.

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

10045. Misbranding of grapes. U. S. * * * v. South Shore Growers & Shippers Association, a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14726. I. S. Nos. 5692-t, 5694-t.)

On July 12, 1921, the United States attorney for the Western 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 the South Shore Growers & Shippers Association, a corporation, Silver Creek, N. Y., alleging shipment by said company, on or about October 13 and 15, 1920, respectively, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of quantities of grapes in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 6, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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