

as amended, from the State of Colorado into the State of New Mexico, of a quantity of egg noodles which were adulterated and misbranded. The article was labeled in part: "American Beauty Brand High Grade Egg Noodles Manufactured And Guaranteed By The American Beauty Macaroni Co. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an alimentary paste containing about 3 per cent of dried egg yolk and that it was short weight.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an alimentary paste containing little or an insufficient amount of whole eggs, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; for the further reason that a substance, to wit, dried egg yolks, had been substituted wholly or in part for whole egg noodles, which the article purported to be; and for the further reason that a valuable constituent of the said article, namely, egg albumen, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statements, to wit, "High Grade Egg Noodles," and "Net Weight 4 Oz.," borne on the cartons containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article consisted wholly of egg noodles and that the said cartons contained four ounces net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of egg noodles and that the said cartons contained four ounces net thereof, whereas, in truth and in fact, the article did not consist wholly of egg noodles but did consist wholly or in part of an alimentary paste which contained little or no egg, and the said cartons did not contain four ounces net of the said article but did contain a less amount. 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 marked on the outside of the package.

On July 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

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

10144. Adulteration of powdered capsicum. U. S. * * * v. Allaire, Woodward & Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14524. I. S. No. 13320-r.)

On May 27, 1921, the United States attorney for the Southern 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 Allaire, Woodward & Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 19, 1919, from the State of Illinois into the State of New York, of a quantity of powdered capsicum which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained not more than 10 per cent of genuine capsicum, the fruit of *Capsicum frutescens*. The remaining 90 per cent consisted of the fruits of *Capsicum annuum*, a species less pungent than *Capsicum frutescens*.

Adulteration of the article 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 tests laid down in said Pharmacopœia, official at the time of investigation, in that the said article was derived in large part from a product other than the dried ripe fruits of *Capsicum frutescens*, whereas the said Pharmacopœia provides that capsicum shall be wholly derived from the dried ripe fruits of *Capsicum frutescens*, and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

On November 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

10145. Adulteration and misbranding of vinegar. U. S. * * * v. 30 Barrels * * *, 9 Barrels * * *, and 15 Cases * * * of Vinegar * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14620. I. S. Nos. 3220-t, 3221-t. S. No. C-2848.)

On March 14, 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 a libel for the seizure and condemna-

tion of 30 barrels, each containing 5 dozen bottles, 9 barrels, each containing 8 dozen bottles, and 15 cases, each containing 2 dozen bottles, of vinegar, consigned by the Southern Mfg. Co., St. Louis, Mo., remaining unsold in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped on or about August 28, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Stag Brand Corn Sugar Vinegar Reduced to 4% Acidity * * *."

Adulteration of the article was alleged in the libel for the reason that acetic acid had been mixed and packed with, and substituted in part for, the said article.

Misbranding was alleged in substance for the reason that the statement on the label of the bottles containing the article, to wit, "Corn Sugar Vinegar," was false and misleading and deceived and misled the purchaser; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 20, 1921, Marquard F. Braun, St. Louis, Mo., claimant, having requested permission to rebrand the article so as to show the contents of the said bottles and having consented to a decree, 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 \$400, in conformity with section 10 of the act.

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

10146. Adulteration and misbranding of thread coconut and shred coconut. U. S. * * * v. 5 Barrels of Thread Coconut and 2 Barrels of Shred Coconut. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 14684, 14821. I. S. Nos. 10289-t, 10779-t. S. Nos. W-892, W-909.)

On or about March 28 and April 22, 1921, respectively, 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 5 barrels of thread coconut and 2 barrels of shred coconut, consigned by the Hills Bros. Co., New York, N. Y., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the articles had been shipped from New York, N. Y., on or about February 2, 1921, and transported from the State of New York into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the articles was alleged in the libels for the reason that another substance, to wit, sugar, had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted in part for coconut.

Misbranding was alleged in substance for the reason that the articles were labeled "Thread" and "Shred," respectively, which labels implied that the said articles were thread coconut or shred coconut, as the case might be, and were false and misleading when applied to products consisting in part of sugar. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles, to wit, "Thread Coconut" or "Shred Coconut."

On October 31, 1921, J. K. Montrose & Sons, Denver, Colo., claimants, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$600, in conformity with section 10 of the act.

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

10147. Misbranding of Castalian water. U. S. * * * v. 7½ Dozen * * * Bottles of Castalina [Castalian] Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15243. I. S. No. 165-t. S. No. C-3133.)

On July 23, 1921, the United States attorney for the Eastern District of Missouri, 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 7½ dozen bottles of Castalian water, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Ralph Smith, Santa Cruz, Calif., on or about September 11, 1920,