

10277. Adulteration and misbranding of extract of lemon. U. S. * * * v. 40 Bottles * * * of Extract of Lemon * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15656. I. S. No. 5509-t. S. No. E-3733.)

On January 22, 1922, 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 40 bottles of extract of lemon, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Leading Perfumers & Chemists, Inc., New York, N. Y., on or about November 17, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lepeco 2 Fluid Ounces Lemon * * * Leading Perfumers & Chemists, Inc. New York."

Adulteration of the article was alleged in substance in the libel for the reason that a substance deficient in lemon oil and containing little if any lemon oil 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 extract of lemon, which the said article purported to be, and for the further reason that the said substance had been mixed in a manner whereby its damage and inferiority to extract of lemon were concealed.

Misbranding was alleged in substance for the reason that the statement, to wit, "Extract Of Lemon * * * Strength Combined with delicacy of flavor makes this extract unexcelled," borne upon the carton and bottle labels, regarding the article and the substances and ingredients contained therein, was false and misleading in that the said statement represented the article to be extract of lemon, to wit, an article containing an appreciable and customary amount of oil of lemon, 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 was extract of lemon, to wit, an article containing an appreciable and customary amount of oil of lemon, whereas, in truth and in fact, the said article was not extract of lemon containing an appreciable and customary amount of oil of lemon, but was an adulterated article artificially colored, containing little, if any, lemon oil. Misbranding was alleged for the further reason that the article was an artificially colored product containing no lemon oil or a deficient quantity of lemon oil, and was an imitation of, and offered for sale under the distinctive name of, another article, to wit, extract of lemon.

On February 16, 1922, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10278. Misbranding of Aspironal. U. S. * * * v. 23 Dozen Bottles of * * * Aspironal, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15645, 15646, 15692, 15710, 15711, 15712, 15727, 15728. Inv. Nos. 35925, 35926, 35927, 35928, 35929, 35930, 35931, 35932. S. Nos. E-3664, E-3666, E-3668, E-3669, E-3670, E-3671, E-3678, E-3679.)

On or about December 6, 8, and 9, 1921, respectively, the United States attorney for the District of Maryland, 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 155½ dozen bottles of Aspironal, remaining in the original unbroken packages at Baltimore, Md., consigned between the dates November 22, 1920, and November 10, 1921, alleging that the article had been shipped by the Aspironal Laboratories, Inc., Atlanta, Ga., and transported from the State of Georgia into the State of Maryland, 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 consisted essentially of sodium salicylate, camphor, menthol, extracts of plant drugs including cascara sagrada and belladonna, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing in the labeling of the said article, regarding the curative and therapeutic effect thereof, to wit, "* * * Colds, Coughs, Influenza, LaGrippe. * * * Headache, Toothache, Earache, Stomach-Ache, Neuralgia, Sciatica, * * * Rheumatism, * * *," were false and fraudulent, since the said article did not contain any ingredients or combination of ingredients capable of producing the effects claimed.