

Misbranding was alleged for the reason that the statement, design, and device, to wit, "W. E.," borne on the barrel containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article consisted of a whole egg product, 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 of a whole egg product, whereas, in truth and in fact, it did not so consist but did consist in whole or in part of commercial egg yolk powder. Misbranding was alleged for the further reason that the article was a product composed in whole or in part of commercial egg yolk powder, prepared in imitation of whole eggs and so offered for sale and sold under the distinctive name of another article, to wit, whole egg powder.

On June 26, 1922, 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.*

10923. Misbranding of Giepsi Vemela. U. S. v. 1 Gross Bottles of Giepsi Vemela. Default decree of condemnation and forfeiture. Product disposed of according to law. (F. & D. No. 14972. I. S. No. 10703-t. S. No. W-960.)

On June 2, 1921, the United States attorney for the Southern District of California, 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 1 gross bottles of Giepsi Vemela, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Giepsi Vemela Co., Douglas, Ariz., alleging that the article had been shipped from Douglas, Ariz., on or about March 28, 1921, and transported from the State of Arizona into the State of California, 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 of vegetable extractives, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the label of the bottle containing the said article and the accompanying carton and circular bore the following statements, (carton, English and Spanish) "* * * for the tuberculosis, colds, coughs, anemia and general debility," (bottle, English and Spanish) "* * * It is recommended for tuberculosis, colds, coughs, anemia and general debility * * * In serious cases," (circular, Spanish) "Giepsi Vemela was subjected to the laws required by the United States of America before being placed on the market, which will stimulate and increase the faith and confidence of patients who make use of this medicine," (carton) "Guaranteed under the pure food act," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On August 17, 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 disposed of according to law.

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

10924. Misbranding of potatoes. U. S. v. James L. Leonard, Walter B. Crosset, and George B. Riley (Leonard, Crosset & Riley). Pleas of guilty. Fine, \$50. (F. & D. No. 15005. I. S. Nos. 5931-t, 5933-t.)

On May 4, 1922, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James L. Leonard, Walter B. Crosset, and George B. Riley, copartners, trading as Leonard, Crosset & Riley, Greenville, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 18, 1921, from the State of Michigan into the State of Pennsylvania, of quantities of potatoes, in sacks, 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.

On May 9, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

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