

G. Binz Co., from Los Angeles, Calif., between the dates of June 2 and September 16, 1920, and transported from the State of California into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the labels for the reason that the following statements regarding the curative or therapeutic effect of the said article, appearing in the labeling of the 2½-ounce bottles, to wit, (carton and bottle) "Gives immediate Relief in * * * Asthma, Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble * * * excellent for all Chronic Throat and Lung troubles. It builds up resisting power in patient, controls the cough," (circular) "Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough * * *. For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect," and the following statements regarding the curative or therapeutic effect of the said article, appearing in the labeling of the 16-ounce bottles, to wit, (bottle) "Croup * * * Bronchial Asthma Tuberculosis Whooping Cough and other throat and lung affections * * * relieves * * * bronchial asthma. Especially effective in cough of phthisis and Whooping Cough," were false and fraudulent, in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers thereof and to create in the minds of such purchasers the impression and belief that the article contained ingredients or combinations of ingredients effective as a remedy for the several diseases, ailments, and afflictions mentioned therein, when, in fact and in truth, it did not.

On May 10, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11731. Adulteration of chloroform. U. S. v. 100 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16576. I. S. No. 13932-t. S. No. W-1134.)

On July 3, 1922, the United States attorney for the Northern 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 praying the seizure and condemnation of 100 cans of chloroform, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Dow Chemical Co., from Midland, Mich., on or about March 28, 1922, and transported from the State of Michigan into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Purified Chloroform For Anæsthesia Chloroformum Purificatum, U. S. P."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was opalescent and that it contained impurities decomposable by sulphuric acid.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of quality, strength, and purity as determined by the test laid down in said Pharmacopœia, official at the time of said shipment.

On May 24, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11732. Adulteration and misbranding of chloroform. U. S. v. 39 ¼-Pound Tins of Chloroform. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16656. S. No. E-4077.)

On or about August 21, 1922, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 39 ¼-pound tins of chloroform, remaining in the original unbroken packages at Clarksburg, W. Va., consigned prior

to and arriving at Clarksburg on or about March 27, 1922, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it differed from the standard of strength, quality, and purity as determined by the test laid down in the United States Pharmacopoeia.

Misbranding was alleged in substance for the reason that the article was branded as containing chloroform for anesthesia, which brand was false, misleading, and deceptive for the reason that the said tins did not contain chloroform fit for anesthesia.

On May 24, 1923, an order pro confesso having been entered with respect to the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11733. Adulteration and misbranding of prepared mustard. U. S. v. Canton Canning Co., a Corporation. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 16852. I. S. Nos. 8667-t, 8668-t, 8669-t, 17208-t.)

On February 1 1923, the United States attorney for the Northern District of Ohio, 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 Canton Canning Co., a corporation, Canton, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about August 26, September 30, October 5, 1920, and November 26, 1921, respectively, from the State of Ohio into the State of West Virginia, of quantities of prepared mustard which was adulterated and misbranded. A portion of the article was labeled in part: "Canton Brand Prepared Mustard Made From Pure Mustard Seed With Salt, Spices And Vinegar. Colored With Turmeric. Packed By The Canton Canning Co. Canton, O." The remainder of the said article was labeled in part: "Molly Stark Brand Prepared Mustard Mustard Seed, Spices, Salt, Vinegar And Turmeric. Manufactured By The Canton Canning Co. Canton, O." A portion of the Canton brand bore the statement, "Net Weight Of Contents Ozs," and in rubber stamp, the statement, "Net Weight 2 Lbs. Avd." The remainder of the said Canton brand bore the statement, "Net Weight Of Contents 13 Ozs.," and in rubber stamp, the statement, "Net Weight 8 Lbs."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained an excessive quantity of mustard bran, or mustard hulls.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, mustard hulls, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that a substance, to wit, added mustard hulls, had been substituted in part for prepared mustard, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Prepared Mustard," borne on the labels attached to the jugs containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article consisted wholly of prepared mustard, 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 prepared mustard, whereas, in truth and in fact, it did not so consist but did consist in part of added mustard hulls. 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 May 20, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*