

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 Pharmacopœia.

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.*