

and strength, and had been substituted wholly or in part for vinegar made from apples, which the said article purported to be.

Misbranding was alleged for the reason that the article was labeled "Pure Cider Vinegar Made From Apples," so as to deceive and mislead the purchaser, for the further reason that the statement "Pure Cider Vinegar Made From Apples," borne on the barrels containing the article, was false and misleading, in that it contained a foreign substance, namely, barium, and for the further reason that it was offered for sale under the distinctive name of another article.

On July 23, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13364. Misbranding of Chappellear's Bronchini. U. S. v. 24 Bottles, et al., of Chappellear's Bronchini. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19858, 19859, 19860. I. S. No. 17824-v. S. Nos. E-3944, E-3946, E-3947.)

On March 9, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 96 bottles of Chappellear's Bronchini, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Wm. M. Chappellear & Sons Co., from Zanesville, Ohio, in various consignments, namely, on or about November 21, 1923, and May 7, June 7, and October 24, 1924, respectively, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle, English) "Bronchini * * * Relieves Bronchitis * * * Sore Throat, Asthma, Croup, Influenza * * * When cough is very distressing, repeat the dose * * * For Croup * * * For Sore Throat * * * For severe attacks of Asthma," (bottle, German) "If the cough is very bad, the medicine should be taken every hour * * * For Croup * * * for sore throat * * * for violent attacks of difficult breathing," (wrapper, English) "Bronchini * * * For The Relief Of Bronchitis * * * Sore Throat, Asthma, Influenza, Croup, Throat and Lung Troubles," (wrapper, English and German) "alterative * * * To prevent coughing at night, one dose, taken on going to bed, will in most cases give entire relief," (wrapper, German) "cures diphtheria, coughs, colds, hoarseness, labored breathing, cold in the head, croup, and all curable diseases of the throat and lungs," (circular) "Bronchini The Great Cough Remedy By its peculiar influence over disease of the throat and respiratory organs, it has given relief when quick results were essential. Bronchini will stop cough instantly. A cold induces cough at night. One or two doses of Bronchini given on retiring will bring perfect rest during the night. One dose on arising will clear up the throat and relieve the cough during the day. Bronchitis follows colds. If you can arrest the disease before it reaches the lungs you have accomplished much, as it will surely enter the lungs if neglected. Bronchini is the only cough cure we have ever known that will most certainly produce the desired effect in the treatment of Bronchial cough. Croup can be prevented, and night croup in all cases can be cured by its use. Bronchini should be given on first appearance of hoarseness, and on retiring, giving such doses as are prescribed in cases of croup. Diphtheria prevails in every locality, Pneumonia, Influenza and other throat and lung diseases are common in most countries. All these can be prevented and cured by the regular use of Bronchini, thus saving many children and people of all ages and conditions. The weather is changeable, people contract colds, vitality is lowered, subjecting them to the danger of contracting Consumption. Cure the cold, stop the cough, and you are on the road to health and happiness.—Bronchini will do it. * * * Sold * * * on a guarantee to prove satisfactory or money refunded. * * * Bronchini, the great cough cure * * * prevents croup and will cure it. * * * After taking Bronchini, breathing is easy. * * * always stops a cough as soon as taken."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of ammonium chloride, extracts of plant drugs, flavoring material including anise and sassafras oils, sugar, alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the statements appearing on the bottle label and the accompanying wrapper and circular regarding the curative and therapeutic effects of the said article, were false and fraudulent, in that it did not contain any ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the alcohol content of the article was incorrectly declared upon the bottle label and carton, in that 40 per cent by volume was declared, whereas only 30.3 per cent was present.

On April 29, 1925, the William M. Chappelle & Sons Co., Zanesville, Ohio, claimant, having admitted the allegations of the libels and having consented to the entry of decrees of condemnation and forfeiture, judgments of the court were entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13365. Misbranding and alleged adulteration of butter. U. S. v. Trinidad Creamery Co. Tried to a jury. Instructed verdict of not guilty on the adulteration charge. Verdict of guilty on the misbranding charge. Fine, \$2,800 and costs. (F. & D. No. 17912. I. S. Nos. 8601-v, 8612-v, 8613-v, 8617-v, 11367-v, 11374-v, 11376-v, 11377-v, 11378-v, 11391-v, 11394-v, 11399-v, 11400-v, 11426-v.

On February 11, 1925, the United States attorney for the District of Colorado, 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 Trinidad Creamery Co., a corporation, Trinidad, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 1, 1923, from the State of Colorado into the State of Texas, and on or about the respective dates of February 9, 14, and 23, March 2, 20, 22, 23, and 30, and April 6 and 8, 1923, from the State of Colorado into the State of New Mexico, of quantities of butter which was misbranded and a portion of which was alleged to be adulterated. The article was labeled in part, variously: "None Nicer Brand Butter * * * One Pound Manufactured By Trinidad Creamery Co. Trinidad, Colo."; "Mountain States Brand Creamery Butter One Pound Net * * * Manufactured By Trinidad Creamery Co. Trinidad, Colo."; "Sunset Gold Creamery Butter * * * 1 Lb. Net"; and "Columbine Brand Pure Creamery Butter Manufactured By * * * Trinidad Creamery Co. Trinidad, Colo. Columbine Brand 1 Lb. Net When Packed."

Examination by the Bureau of Chemistry of this department of a sample consisting of a number of packages from each of the 14 consignments showed that the average net weight of the said samples was 15.31, 15.26, 15.37, 15.32, 15.27, 15.57, 15.49, 15.62, 15.62, 15.63, 15.53, 15.27, 15.68, and 15.59 ounces, respectively. Analyses by said bureau of 5 subdivisions taken from each of the three consignments of the None Nicer brand butter showed that 13 of the 15 subdivisions ranged from 76.84 per cent to 79.30 per cent of butterfat and 2 of the 15 subdivisions contained 80.09 per cent and 80.5 per cent, respectively, of butterfat.

Adulteration was alleged in the information with respect to three consignments of the None Nicer brand butter for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to all of the consignments for the reason that the statements, to wit, "One Pound," "One Pound Net," and "1 Lb. Net," as the case might be, borne on the packages containing the article, were false and misleading, in that the said statements represented that each of the said packages contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound of butter, whereas each of the said packages did not contain 1 pound of butter but did contain a less amount. Misbranding was alleged with respect to all the product for the further 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.

Misbranding was alleged with respect to three consignments of the None Nicer brand butter for the reason that the statement "Butter," borne on the