

from Rahway, N. J., on or about October 16, 1925, and transported from the State of New Jersey into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled: (Tin) " $\frac{1}{4}$ lb. Ether Merck * * * U. S. P." The remainder of the said article was labeled: (Tin) " $\frac{1}{4}$ lb. Ether Merck For Anesthesia. It is purer * * * than the U. S. Pharmacopœia, Ninth Revision, requires."

Analysis by the Bureau of Chemistry of this department of a sample of the article labeled "Ether Merck * * * U. S. P. IX" showed that it contained peroxide, non-volatile matter and had an acid reaction. Analysis by said bureau of a sample of the article labeled "Ether Merck For Anesthesia" showed that it contained peroxides, aldehydes, and non-volatile matter.

Adulteration of the article was alleged in the libel for the reason that it fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements on the respective labels, "U. S. P. IX" and "Ether For Anesthesia. It is purer * * * than the U. S. Pharmacopœia, Ninth Revision, requires," were false and misleading.

On January 5, 1927, Merck & Co., St. Louis, Mo., claimant, having admitted the material allegations of the libel and having consented that judgment of condemnation be entered, a decree was entered, adjudging the product adulterated and misbranded, and it was ordered by the court that it be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$125, conditioned in part that it be dumped into one or more other lots of ether intended to be used and sold for technical purposes.

W. M. JARDINE, *Secretary of Agriculture.*

14772. Misbranding and alleged adulteration of canned peas. U. S. v. 1,052 Cases of Canned Peas. Decree adjudging product misbranded and ordering its release to be relabeled. (F. & D. No. 20721. I. S. No. 4459-x. S. No. C-4912.)

On December 16, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,052 cases of canned peas, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Reeseville Canning Co., Reeseville, Wis., on or about August 19, 1925, and transported from the State of Wisconsin into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Peas Contents 1 Lb. 4 Oz."

It was alleged in the libel that the article was adulterated, in that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Peas" borne on the label, was false and misleading and deceived and misled the purchaser, and in that the product was offered for sale under the distinctive name of another article.

On September 7, 1926, the Rosen Reichardt Brokerage Co., St. Louis, Mo., having appeared as claimant for the property and having executed a bond in the sum of \$1,000, conditioned that the cans be relabeled, "Slack-Filled, Contents 12 Ounces Of Peas. This Can Should Contain 13 $\frac{1}{2}$ Ounces Of Peas," a decree was entered, adjudging the product misbranded and ordering that it be released to the claimant upon payment of the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

14773. Misbranding of preserves. U. S. v. 30 Cases of Preserves. Default decree finding product misbranded and ordering its sale. (F. & D. No. 19126. I. S. Nos. 22539-v, 22540-v. S. No. C-4527.)

On or about November 27, 1924, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of preserves, remaining in the original unbroken packages at Eau Claire, Wis., alleging that the article had been shipped by the Wheeler-Barnes Co., Minneapolis, Minn., on or about September 13, 1924, and transported from the State of Minnesota into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "Net Weight 1 Lb."