

United States Department of Agriculture
FOOD AND DRUG ADMINISTRATION
NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17226-17250

[Approved by the Secretary of Agriculture, Washington, D. C., January 7, 1931]

17226. Adulteration and misbranding of coal-tar color. U. S. v. One 1-Pound Can, et al., of Coal Tar Color. Consent decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14297, 14298, 14884, 14889. I. S. Nos. 6564-t, 6565-t, 6645-t, 7543-t, 7544-t. S. Nos. E-3204, E-3205, E-3215, E-3217.)

On March 31 and April 29, 1921, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of eight 1-pound cans and one 3-pound can of coal-tar color, in various lots at Newark, Carlstadt, Passaic, and Woodbridge, N. J., respectively, alleging that the article had been shipped by the W. B. Wood Manufacturing Co., St. Louis, Mo., in various consignments, on or about February 28, March 14, and March 15, 1921, respectively, and had been transported from the State of Missouri into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Complies with all requirements, Quality, Color * * * Contents Red (or "Yellow")." A portion of the said article was further labeled "W. B. Wood Mfg. Co., St. Louis, Mo."

It was alleged in the libels that the article was adulterated in that substances, to wit, sodium sulphate and sodium chloride, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for coal-tar color, which the article purported to be. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

Misbranding was alleged with respect to a portion of the product for the reason that it was a product composed in whole or in part of sodium chloride, sodium sulphate, and arsenic, prepared in imitation of vegetable color, and was offered for sale under the distinctive name of another article, to wit, vegetable color. Misbranding was alleged with respect to the remainder of the said article for the reason that the statement, "Complies with all requirements," was false and misleading, since the ingredients contained in the article did not comply with all requirements of the said law and regulations made pursuant thereto, in that it contained excessive arsenic and salts and showed the presence of a nonpermitted dye, to wit, Fast Red E., and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was coal-tar color made in compliance with law and said regulations, whereas it was not.

On April 10, 1930, by consent of the claimant, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*