NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3001. Adulteration and misbranding of Bohemian Malt Tonic. U. S. v. 10 Casks Bohemian Malt Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4899. S. No. 1623.)

On December 19, 1912, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 casks of Bohemian Malt Tonic so-called, remaining unsold in its original unbroken packages, and in possession of Hazeltine and Perkins Drug Co., Grand Rapids, Mich., alleging that the product had been shipped on or about November 16, 1912, by the Western Brewery Co. of Belleville, Ill., and transported in interstate commerce from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On unit bottles) "Bohemian Malt Tonic. Contains less than 4% alcohol. A pure Tonic Food. Brewed strictly from Malt and Hops only. Bohemian." (Guaranty legend) "Serial No. 2450 Western Brewery Co. Belleville, Ill. U. S. A. $1000 for any adulteration in our goods." (On shipping packages, stencil) "Glass. Open this end. M. T." (On shipping tag) "Hazeltine and Perkins Drug Co., Grand Rapids, Mich. 10 dozen small Fermented Malt Liquor. From Western Brewery Company, Belleville, Illinois."

Adulteration of the product was alleged in the libel for the reason that it contained a cereal product which had been used in said article of food, which said cereal product had been substituted for malt in such manner as to reduce and lower the quality and strength of said article.

Misbranding of the product was alleged for the reason that it was labeled as set forth above, in and by which said label the article of food was described as Bohemian Malt Tonic, whereas, in truth and in fact, said article labeled as hereinbefore set forth contained a cereal product which had been used in said preparation and article of food, which said cereal product had been substituted for malt in such manner as to reduce and lower the quality and strength of said article of food. Misbranding was alleged for the further reason that the use of the geographical expression "Bohemian" was false and misleading in that it implied that the article of food was of foreign manufacture, whereas, in truth and in fact, it was manufactured by the Western Brewery Co. of Belleville, Ill.

On May 9, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

3002. Misbranding of jam. U. S. v. E. C. Flaccus. Plea of guilty. Fine, $10 and costs. (F. & D. No. 4903. S. No. 19233-d, 19234-d.)

On May 6, 1913, 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 against E. C. Flaccus, doing business under the firm name of E. C. Flaccus Company, Wheeling, W. Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, during the month of March, 1912, from the State of West Virginia into the State of New York, of a quantity of jam which was misbranded. Part of the product was labeled, "Lion Brand Compound

Jam Made From 50% Corn Syrup 25% Apple Juice 25% Fruit Artificially Colored Austin, Nichols, & Company, Distributors, New York. Prepared from 25% Raspberry Artificially Colored." Part was labeled as above, with the exception that the words "25% Strawberry" appeared on the label, instead of the words, "Prepared from 25% Raspberry Artificially Colored."

Analysis of samples of the product by the Bureau of Chemistry of this department showed the following results:

Determination.	Sample No. 1.	Sample No. 2.
Solids (per cent)	71.88	69.09
Nonsugar solids (per cent)	31.44	31.14
Sucrose, Clerget (per cent)	1.36	2.11
Reducing sugars as invert before inversion (per cent)	39.08	35.844
Commercial glucose (factor 163) (per cent)	69.70	70.18
Polarization, direct, 20° C. (°V.)	+116.0	+ 118.8
Polarization, invert, 20° C. (°V.)	+114.2	+ 116.0
Polarization, invert, 87° C. (°V.)	+113.6	+ 114.4
Ash (per cent)	0.536	0.542
Phosphoric acid (per cent)	0.270	0.247
P_2O_5 in ash (per cent)	50.38	45.58
Tests for salicylic and benzoic acids, and saccharin: Negative.		
Arsenic: None found.		
Test for coal-tar color: Positive.		

The color on wool reacts like Amaranth.

Misbranding of the products was alleged in the information for the reason that the statements on the labels of the products were false and misleading, because they represented to the purchaser that said products contained no other ingredient than those enumerated in the statements whereas, in truth and in fact, they were composed in part of another article, to wit, phosphoric acid.

On May 9, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

3003. Adulteration and misbranding of acetanilid compound tablets. U. S. v. Burrough Bros. Mfg. Co. Plea of guilty. Fine, $20. (F. & D. No. 4908. I. S. No. 817-d.)

On July 18, 1913, the United States attorney for the district of Maryland, 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 Burrough Bros. Manufacturing Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on May 6, 1911, from the State of Maryland into the State of Nebraska, of a quantity of compressed tablets, acetanilid compound No. 5, which were adulterated and misbranded. This product was labeled: "Guaranteed under the Food and Drug Act, June 30th, 1906. Serial No. 2085. 500 91024 Compressed Tablets. Acetanilid Comp. No. 5. Acetanilid, 2 1-2 grs. Camph. Monobrom., 1-2 gr. Sodium Salicylate, 1 gr. Ext. Hyoscyamus, 1-8 gr. Tinct. Gelsemium, 2 min. Burrough Bros. Mfg. Co., Chemists, Baltimore, Md."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Acetanilid (grains per average tablet)	1.849
Sodium salicylate (grains per average tablet)	0.903
Shortage of acetanilid (per cent)	26
Shortage of sodium salicylate (per cent)	10

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard of strength under which it was sold in that