3468. Misbranding of Moreau's wine of anise. U. S. v. 5 Packages of So-Called Moreau's Wine of Anise. Decree of condemnation. Product released on bond. (F. & D. No. 5630. I. S. No. 725-h. S. No. E-9.)

On March 16, 1914, the United States attorney for the District of Massachusetts, 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 5 packages of Moreau's wine of anise remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The product was labeled in part: "Moreau's Wine of Anise Children's Soothing Wine Each ounce containing one third grain acetate morphine, 8 p. c. alcohol. No. 31969 guaranteed by La Fabrique Vin d'anis Moreau, under the Food and Drugs Act, June 30, 1906. This mild, sweet medicated wine is an excellent remedy for Colic, Diarrhœa, Dysentery, Indigestion, Sour Stomach, Vomiting, Cold, Cough, Painful Dentition, Irritable, Fretful and Sleepless children. To very weak children mix the medicine with a little milk or water."

Misbranding of the product was alleged in the libel for the reason that said drug and the packages and labels thereof contained and bore a statement, design, and device regarding the curative and therapeutic effect of said drug and the ingredients and substances contained therein which was false and fraudulent—that is to say, that said drug was a mild, sweet medicated wine and an excellent remedy for children in cases of diarrhœa, dysentery, indigestion, vomiting; that said drug was excellent for the use of children in cases of diarrhœa; all of which would lead the purchaser to believe that said drug was a remedy for said ailments, whereas, in truth and in fact, said drug was not a remedy for said ailments. Misbranding was alleged for the further reason that said drug and the packages and labels thereof contained and bore a statement, design, and device regarding said drug and the ingredients and substances contained therein which was false and misleading; that is to say, the following words which appeared thereon: "Moreau's Wine of Anise being compounded with a pure, mild wine, is preferable to any soothing remedy compounded with syrup," because by reason thereof the purchaser would be led to believe that said drug was a wine, whereas, in truth and in fact, said drug was not a wine.

On May 27, 1914, Louis J. Cote, claimant, Berlin, N. H., having filed his claim for the product and having filed satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 28, 1914.*

3469. Adulteration and misbranding of bran. U. S. v. 5 Bags of Bran, More or Less. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5645. I. S. No. 9914-h. S. No. C-12.)

On March 24, 1914, the United States attorney for the Eastern District of Kentucky, 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 5 bags of bran, more or less, remaining unsold in the original unbroken packages at Glencoe, Ky., alleging that the product had been shipped on March 12, 1914, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the product purported to be bran contained screenings and corncob meal which had been substituted in part for the article, to wit, bran, which said screenings and corncob meal had been mixed and packed with and substituted for bran in such a manner as to reduce, lower, and

injuriously affect its quality and strength. Misbranding was alleged for the reason that said 5 bags were invoiced and billed as bran, and said designation was false and misleading in that said food product was a mixture of bran, screenings, and corncob meal, which had been substituted in part for bran.

On May 5, 1914, 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.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 28, 1914.*

3470. Adulteration of tomato purée. U. S. v. 50 Cases of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5655. I. S. No. 8919-h. S. No. E-16.)

On or about March 30, 1914, the United States attorney for the Southern District of New York, 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 50 cases of canned tomato purée remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about March 20, 1914, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Asquith Brand Tomato Pulp made from Tomatoes and Fresh Tomato Trimmings with Great Care. Contents Weigh 10 Oz. Asquith Brand Packed by Andrews Packing Co. Crapo, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, yeasts and spores, bacteria, and decayed fragments of tomato.

On April 21, 1914, 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.

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

WASHINGTON, D. C., *October 26, 1914.*

3471. Adulteration of tomato pulp. U. S. v. 700 Cans, More or Less, of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5673. I. S. No. 9615-h. S. No. C-24.)

On April 10, 1914, the United States attorney for the Northern District of Illinois, 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 700 cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on September [December(?)] 27, 1913, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance. Adulteration was alleged for the further reason that the product consisted wholly of a filthy, decomposed, and putrid vegetable substance.

On May 13, 1914, 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.

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

WASHINGTON, D. C., *October 26, 1914.*