

4161. Misbranding of "Elixir Tonic Stomatico." U. S. * * * v. American Union Cordial Co. of Penna., Inc. Plea of guilty. Fine, \$5.
(F. & D. No. 6248. I. S. Nos. 23970-d, 37432-e.)

On April 13, 1915, the United States attorney for the Eastern District of Pennsylvania, 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 American Union Cordial Co. of Pennsylvania (Inc.), a corporation, Allentown, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 8, 1912, and August 2, 1912, from the State of Pennsylvania into the State of New York, of two consignments of "Elixir Tonic Stomatico" which was misbranded. The product in both consignments was labeled: (On bottle) "Marca di Fabrica Depositata (Coat of arms with white cross) Stomachic Digestive Gran Liquore Della Stella (Representation of coins and white cross) Elixir Tonic Stomatico Guaranteed under the Nat. Pure Food Law, Act June 30, 1906, Serial No. 26694. (Italian coat of arms.)"

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

	Consign- ment 1.	Consign- ment 2.
Alcohol (per cent by volume)-----	37.30	33.06
Solids (per cent)-----	42.31	-----
Sucrose (per cent)-----	41.72	-----
Ginger and cinnamon-----	Indicated.	-----
Naphthol yellow S-----	-----	Present.

Misbranding of the article of drugs was alleged in the information for the reason that it contained, in one shipment, 37.30 per cent, and, in the other shipment, 33.06 per cent of alcohol by volume, and the package failed to bear a statement on its label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements, to wit, "Marca di Fabrica Depositata Stomachic Digestive Gran Liquore Della Stella Elixir Tonic Stomatico," together with certain pictorial designs and devices, to wit, representations of the Italian coat of arms and Italian coins or medals, were false and misleading in that they indicated to the purchasers thereof that said article of food was of foreign origin and had been manufactured in the kingdom of Italy, when, in truth and in fact, said article of food was not of foreign origin and had not been manufactured in the Kingdom of Italy, but was of domestic origin and had been manufactured in the United States, to wit, in the City of Allentown, State of Pennsylvania. Misbranding was alleged for the further reason that the article was labeled, to wit, "Marca di Fabrica Depositata Stomachic Digestive Gran Liquore Della Stella Elixir Tonic Stomatico," and bore certain pictorial designs and devices, to wit, representations of the Italian coat of arms and Italian coins or medals, so as to deceive and mislead the purchaser into the belief that the said article of food was of foreign origin and had been manufactured in the kingdom of Italy, when, in truth and in fact, the said article was not of foreign origin and had not been manufactured in the kingdom of Italy, but was of domestic origin and had been manufactured in the United States, to wit, in the city of Allentown, State of Pennsylvania.

On April 16, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$5.

CARL VROOMAN, *Acting Secretary of Agriculture.*