

Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of an article of drugs, labeled in part "Valesco," at Des Moines, Iowa, alleging that the article had been shipped by the Alhosan Chemical Co., on October 24, 1918, and on or about November 14 and November 28, 1919, respectively, and transported from the State of Missouri into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a solution containing sodium hypophosphite, creosote, and sugar.

Misbranding of the article was alleged in substance in the libels for the reason that certain statements appearing on the bottle label, regarding the therapeutic effects thereof, to wit, (consignment of October 24) "\* \* \* Tuberculosis. Asthma \* \* \* Pneumonia, and all Pulmonary Disorders \* \* \*. Under no circumstances should it be discontinued until recovery is complete," (remaining consignments) "\* \* \* For the Treatment of Tuberculosis, Asthma \* \* \* Pneumonia and Pulmonary Affections. \* \* \* Dosage Tuberculosis, Asthma \* \* \* dose first week. Pneumonia \* \* \* as gravity of case demands \* \* \*," were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 9, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**8854. Adulteration and misbranding of spaghetti. U. S. \* \* \* v. 435 Cases of Spaghetti. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12243. I. S. No. 14124-r. S. No. E-2028.)**

On March 10, 1920, 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 435 cases of spaghetti, remaining unsold in the original unbroken packages, at New York, N. Y., alleging that the article had been shipped by the Skinner Mfg. Co., Omaha, Nebr., on or about December 30, 1919, and transported from the State of Nebraska into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pilgrim Brand Spaghetti Made by The Skinner Mfg. Co., Omaha, U. S. A."

Adulteration of the article was alleged in the libel for the reason that flour spaghetti, artificially colored with saffron, had been substituted in part therefor, and for the further reason that the article had been colored with saffron in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement on the label on the packages containing the article, to wit, "Spaghetti," was false and misleading and deceived and misled the purchaser when applied to a product made from flour artificially colored, and for the further reason that the article was an imitation of, and was sold under the distinctive name of, another article, to wit, spaghetti.

On December 16, 1920, William P. Adams, sales manager for the Skinner Mfg. Co., Omaha, Nebr., claimant, having admitted the allegations of the libel except as to added coloring matter and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that

the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that the product be relabeled as "Flour Spaghetti," under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

**SS55. Adulteration and misbranding of gelatin. U. S. \* \* \* v. W. B. Wood. Plea of nolo contendere. Plea of \$25 on each of counts 1, 2, 3, 5, 6, 7, and 8, a total of \$175 and costs. Count 4 dismissed. (F. & D. No. 12331. I. S. Nos. 6076-r, 6961-r, 7826-r, 7827-r.)**

On September 14, 1920, 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 an information in 8 counts against W. B. Wood, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 2, 1918, from the State of Missouri into the State of Arkansas, on or about September 27, 1918, from the State of Missouri into the State of Oklahoma, and on or about April 1, 1919, and April 16, 1919, respectively, from the State of Missouri into the State of Minnesota, of quantities of gelatin which was adulterated and misbranded. The Arkansas and Oklahoma consignments were unlabeled. The Minnesota consignments were labeled in part, "Pure Food Gelatine" and "Gelatine," respectively.

Analyses of samples of the article taken from all consignments by the Bureau of Chemistry of this department showed the presence of glue and excessive quantities of zinc in each instance, and in the Minnesota shipment of April 16, also excessive quantities of copper.

Adulteration of the article was alleged in the information for the reason that it contained a certain poisonous and deleterious ingredient, to wit, zinc, and in the case of the Minnesota consignment of April 16, zinc and copper, which might render the article injurious to health. Adulteration was alleged for the further reason that zinc and glue, and in the Minnesota shipment of April 16, zinc, glue, and copper, had been substituted for gelatin, and had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength.

Misbranding was alleged in the case of all consignments for the reason that the article was an imitation of, and was offered for sale and sold under the distinctive name of, another article, to wit, gelatin. Misbranding was alleged with respect to the 2 Minnesota consignments for the further reason that the statements on the labels, "Pure Food Gelatine" and "Gelatine," respectively, were false and misleading in that they represented that the article was pure food gelatin or gelatin, as the case might be, and for the further reason that it was labeled so as to deceive and mislead the purchaser into the belief that it was pure food gelatin or gelatin, whereas, in truth and in fact, it was not.

On November 6, 1920, the fourth count of the information, alleging misbranding of the shipment to Oklahoma, having been dismissed, the court imposed a fine of \$25 and costs on each of the 7 remaining counts, an aggregate fine of \$175 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**SS56. Adulteration of compound black pepper. U. S. \* \* \* v. Hanley & Kinsella Coffee and Spice Co., a Corporation. Plea of nolo contendere to first count. Second count dismissed. Fine, \$25 and costs. (F. & D. No. 12359. I. S. No. 16232-r.)**

On September 14, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the