

6391. Adulteration and misbranding of effervescent granulare. U. S. * * * v. Eugenio Lucarini (Lucarini & Co.). Plea of guilty. Fine, \$50. (F. & D. No. 8483. I. S. No. 1753-m.)

On January 16, 1919, 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 an information against Eugenia Lucarini, trading as E. Lucarini & Co., New York, N. Y., alleging the sale and delivery by said defendant, on December 6, 1916, in violation of the Food and Drugs Act, under a guarantee that the article was not adulterated or misbranded within the meaning of said act, of a quantity of an article labeled in part, "Effervescent Granulare," which was an adulterated and misbranded article within the meaning of the said act, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on or about December 7, 1916, from the State of New York into the State of Connecticut, in further violation of the said act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to consist essentially of a mixture of tartaric acid and bicarbonate of soda with boric acid amounting to 2.20 per cent.

Adulteration of the article was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, borax or boric acid, which might render the article injurious to health.

Misbranding was alleged for the reason that the article was a product composed of tartaric acid, sodium bicarbonate, and borax or boric acid, prepared in imitation of granular effervescent citrate of magnesia.

On January 29, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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