

7763. Misbranding of Wright's Rheumatic Remedy. U. S. * * * v. The Wright Medicine Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 8942. I. S. No. 8123-p.)

On May 1, 1920, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for said district an indictment against The Wright Medicine Co., a corporation, doing business at Peru, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on August 7, 1917, from the State of Indiana into the State of Missouri, of a quantity of an article, labeled in part "Wright's Rheumatic Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be a yellow solution containing chiefly sugar, oil of turpentine, methyl salicylate, potassium iodid, potassium bicarbonate, ethyl nitrite, oil of juniper, and 5.40 per cent of alcohol by volume.

It was charged in substance in the indictment that the article was misbranded for the reason that certain statements, appearing on the label of the carton containing the article, falsely and fraudulently represented it to be effective as a remedy for rheumatism, sciatica, lumbago, kidney troubles, gallstones, and backache, when, in truth and in fact, it was not. Misbranding was charged for the further reason that the statement, to wit, "Alcohol 12 per ct. in fl. oz.," borne on the carton and label thereof, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 12 per cent of alcohol to the fluid ounce, whereas, in truth and in fact, it did not, but did contain a less amount, and for the further reason that said article contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On May 17, 1920, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

7764. Adulteration of Egg O La Egg Powder. U. S. * * * v. Gandolfo-Ghio Mfg. Co., a Corporation. Plea of guilty to count 1 of the information. Fine, \$25 and costs. Count 2 of information dismissed. (F. & D. No. 9655. I. S. No. 12117-p.)

On September 9, 1919, 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 2 counts against the Gandolfo-Ghio Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company in the first count of said information, in violation of the Food and Drugs Act, on or about March 15, 1918, from the State of Missouri into the State of Illinois, of a quantity of an article, labeled in part "Egg O La Egg Powder," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist largely of cornstarch artificially colored with Tartrazine.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cornstarch, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for "Egg O La Egg Powder," to wit, an egg substitute composed of powdered egg, which the article purported to be. Adulteration was alleged for the further reason that the product was an article inferior to an egg substitute, that is to say, inferior to an article 1 level teaspoonful of which dissolved in 2 tablespoonfuls of cold water equals one egg, or to an

article that could be used the same as any [other] egg in any recipe which calls for a whole egg, to wit, a mixture composed in part of cornstarch and artificially colored so as to simulate the appearance of a product composed in part of eggs, in a manner whereby its inferiority to a product composed in part of eggs was concealed.

On October 21, 1919, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$25 and costs. The second count of the information was dismissed.

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

7765. Adulteration and misbranding of gelatin. U. S. * * * v. 10 Barrels of Gelatin. Tried to the court. Judgment for the Government. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 10034. I. S. No. 6961-r. S. No. C-1157.)

On April 14, 1919, the United States attorney for the Western District of Oklahoma, 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 barrels of gelatin, consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., remaining unsold in the original unbroken packages at Enid, Okla., alleging that the article had been shipped on or about September 27, 1918, and transported from the State of Missouri into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel in that each barrel contained a food product, and that the food product contained certain substances, to wit, copper and zinc, which had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength. Further adulteration was alleged in that excessive zinc had been substituted in whole or in part for the article, to wit, gelatin. Further adulteration was alleged in that the article was a food product and contained added poisonous and deleterious ingredients, to wit, copper and zinc, which might render said food product injurious to health.

Misbranding of the article was alleged in the libel in that the article was an imitation of, and was offered for sale and was sold under the distinctive name of, another article, to wit, gelatin.

On May 18, 1920, the W. B. Wood Mfg. Co., St. Louis, Mo., and the Enid Ice & Fuel Co. having filed separate answers, the case was tried to the court, and a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that the product be sold only for use in mechanical trades as glue.

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

7766. Adulteration of tomato sauce. U. S. * * * v. 112 Cases of Mt. Etna Brand Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11885. I. S. No. 15191-r. S. No. E-1929.)

On January 14, 1920, 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 a libel for the seizure and condemnation of 112 cases of Mt. Etna Brand tomato sauce, remaining unsold in the original unbroken packages at Philadelphia, Pa., consigned by Thomas Page, Albion, N. Y., alleging that the article had been shipped on or about October 3, 1919, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.