11360. Misbranding of Tekol. U. S. v. Frederick J. Rief (Colonial Tablet Co.). Plea of nolo contendere. Fine, $25. (F. & D. No. 11965. I. S. No. 14180–r.)

On March 9, 1920, 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 an information against Frederick J. Rief, trading as the Colonial Tablet Co., Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 28, 1919, from the State of Massachusetts into the State of New Jersey, of a quantity of Tekol which was misbranded. The article was labeled in part: "Tekol * * * Distributed by Colonial Tablet Co. Fred'k J. Rief, Proprietor Boston Mass."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained ground celery seed and cocoa with 0.4 grain of caffeine in each tablet.

Misbranding of the article was alleged in substance in the information for the reason that certain statements appearing in the circular accompanying the said article, regarding its therapeutic and curative effects, falsely and fraudulently represented the said article to be effective as a treatment, remedy, and cure for poor circulation, catarrh, rheumatism, kidney and bladder troubles, indigestion, dyspepsia, diseases of the heart, brain, and nerves, despondency or blues, nervousness, nervous headache, lack of vigor or vitality, and insomnia, when, in truth and in fact, it was not.

On March 2, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11361. Adulteration of coal-tar color. U. S. v. 15 Pounds and 8 Pounds of Coal-Tar Coloring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14425, 14578. I. S. Nos. 1707–t, 1708–t, 4772–t. S. Nos. C–2780, C–2830.)

On March 22 and April 21, 1921, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 23 pounds of coal-tar coloring, in part at Weatherford, Tex., and in part at Fort Worth, Tex., consigned May 6, 1920, alleging that the article had been shipped in part by W. B. Wood and in part by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "No. 538" (or "No. 92") "10 lbs. Net W. B. Wood Mfg. Company Manufacturing Chemists 106 So. 4th Street St. Louis, Mo. Red ¼ pound Soluble in 1 gallon warm water. Do not use Boiling water."

Adulteration of the article was alleged in substance in the libel filed, with respect to a portion of the said article, for the reason that sodium chlorid had been mixed and packed with and substituted therefor, and for the further reason that the article contained an added poisonous and deleterious ingredient, arsenic, which might render it injurious to health. It was alleged in substance in the libel filed, with respect to the remainder of the said article, that it was in violation of section 7 of the said act, paragraphs first, second, and fifth under food, in that it contained an excessive amount of sodium chlorid and an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On February 12, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11362. Adulteration and misbranding of butter. U. S. v. 108 Tubs of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 16518. I. S. No. 1506–v. S. No. E–4148.)

On September 11, 1922, 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 of information praying the seizure and condemnation of 108 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Frank Sweeney, Chicago, Ill., in part on or about August 11 and in part on