

in pails labeled in part: "30 Lbs. Grape (or "Raspberry," "Strawberry," "Apple," or "Loganberry") Jelly."

It was alleged in the libel that the articles in jars, with the exception of the apple jelly, were adulterated in that pectin had been mixed and packed with and substituted in part for strawberry and currant jelly, and in that phosphoric acid and glucose had been mixed and packed with and substituted in part for the grape, raspberry, strawberry, apple, and loganberry jellies in pails. Adulteration was alleged with respect to the grape, raspberry, strawberry, and loganberry jellies (in pails) or for the further reason that they had been artificially colored in a manner so as to conceal inferiority.

Misbranding was alleged with respect to the apple, strawberry, and currant jellies in jars for the reason that the statements, "Net Weight 8 Oz." and "Net Weight 7 $\frac{3}{4}$ Oz.," borne on the jars, were false and misleading and deceived and misled the purchaser, since the jars contained less than so declared; and for the further reason that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were not correct. Misbranding was alleged for the further reason that the statements, "Strawberry Jelly," "Currant Jelly," with respect to the jellies in jars, and the statements, "Grape," "Raspberry Jelly," "Loganberry Jelly," and "Apple Jelly," with respect to the jellies in pails, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all lots, except the apple jelly in jars, for the further reason that they were imitations of and offered for sale under the distinctive names of other articles.

On November 19, 1928, the Pacific Food Products Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the deposit of a cash bond in the sum of \$100, conditioned in part that they be made to conform with the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16103. Adulteration and misbranding of Lee's Creo-Lyptus. U. S. v. 750 Dozen Bottles of Lee's Creo-Lyptus. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No 23106. I. S. No. 0734. S. No. 1165.)

On September 25, 1928, the United States attorney for the District of Oregon acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 750 dozen bottles of Lee's Creo-Lyptus, remaining in the original unbroker packages at Portland, Oreg., alleging that the article had been shipped by the South End Warehouse Co., from San Francisco, Calif., on or about August 23 1928, and transported from the State of California into the State of Oregon and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, chloroform, extracts of plant drugs traces of volatile oils, a possible trace of creosote, sugar, alcohol, and water.

It was alleged in the libel that the article was adulterated in that its strength quality, and purity fell below the professed standard under which it was sold in that it had no antiseptic action on the lungs, was not an active germicide and was not antiseptic.

Misbranding was alleged for the reason that the following statements appearing on the labeling were false and misleading: (Bottle label) "Creo * * * An emulsified Creosote, Eucalyptus, and pine preparation * * *. Content of this package are guaranteed to comply with all Federal and State Pure Food Laws;" (poster) "Creo * * *. An Emulsified Creosote, Eucalyptus, and Pine Preparation;" (display card) "Creo." Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and fraudulent: (Display card) "For Coughs, Colds, and Bronchial Congestion Quick Relief to persistent and Chronic Cases * * *. Spasmodic Croup and Whooping Cough * * *. Stops Coughs in 5 Minutes. Creosote—It is used in the treatment of tuberculosis, pneumonia, and bronchitis * * *. Creosote was originally introduced in the treatment of tuberculosis on account of its antiseptic action on the lungs. Its beneficial influence in this disease can be ascribed to its stimulating effect on the bronchial mucous membrane. For this

action it is also a very valuable drug in the treatment of all types of chronic bronchitis. It is considered very reliable in the treatment of chronic inflammation of the air passages. Creosote, if taken over a short period of time, is taken in the blood tract and carried to the lungs, saturating them to the extent that it is next to impossible for pneumonia germs to exist * * *. Used as an expectorant in bronchitis and Spasmodic Croup * * *. An active germicide * * * an antiseptic especially in the treatment of infections of the upper respiratory tract, and * * * in chronic bronchitis and tuberculosis. It has been especially praised in asthma. * * * in the treatment of Asthma and Bronchitis where there is a tendency to dyspnoea (difficult or labored breathing) and bronchial spasm. In chronic bronchitis of aged persons it is particularly salutary. It has been especially useful in the treatment of Whooping Cough and Spasmodic Croup * * *. Asserted in the treatment of Catarrhal affections, Coughs, Colds, Croup, Whooping Cough, Asthma, etc.;" (poster) "Stop that Cough, Cold, or Croup * * *. Quickly relieves persistent Coughs, Colds, Spasmodic Croup, Bronchial Asthma, Whooping Cough. Prevents Pneumonia;" (bottle label) "Quickly relieves persistent Coughs, Colds, Spasmodic Croup, Bronchial Congestion, Whooping Cough. * * * until relieved * * *. For whooping cough and croup * * *. Creo-Lyptus should be taken regularly according to directions as long as cough is evident. Inflamed tissues are quickly relieved * * *. For better results in Severe Cases."

On November 14, 1928, the Creo-Lyptus Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16104. Adulteration of dressed chickens. U. S. v. 34 Barrels of Dressed Chickens. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23090. I. S. No. 01950. S. No. 1181.)

On September 21, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 barrels of dressed chickens, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the North American Cold Storage Co., from Clarinda, Iowa, August 24, 1928, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On November 23, 1928, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that the portion designated by a representative of this department as unfit for food be destroyed and the portion fit for food be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16105. Adulteration and misbranding of cocoa powder. U. S. v. 22 Barrels of Cocoa Powder. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22643. I. S. No. 17479-x. S. No. 622.)

On March 14, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 barrels of cocoa powder, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Boheme & Co., from Portland, Oreg., October 13, 1927, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "E. & A. Opler, Incorporated American Brand Pure Cocoa Powder, Chicago."