

**11514. Adulteration and misbranding of chocolate cigars. U. S. v. 49 Boxes of Chocolate Cigars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15923. I. S. No. 8127-t S. No. E-3734.)**

On January 17, 1922, the United States attorney for the Middle 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 praying the seizure and condemnation of 49 boxes of chocolate cigars, remaining in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped by the National Chocolate Co., from Hoboken, N. J., on or about December 1, 1921, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "1 Cent Each 120 Pieces Chocolate Cigars National Cocoa Chocolate Co."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of cocoa shells and foreign fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, to wit, chocolate cigars.

Misbranding of the article was alleged for the reason that the statement, "Chocolate Cigars National Cocoa Chocolate Co.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, chocolate.

On August 16, 1922, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11515. Misbranding of Montague's petroleum emulsion with hypophosphites. U. S. v. 25 Bottles of Montague's Petroleum Emulsion with Hypophosphites. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16140. S. No. E-3853.)**

On April 25, 1922, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 bottles of Montague's petroleum emulsion with hypophosphites, at Mullens, W. Va., alleging that the article had been shipped by the J. Kyle Montague Medicine Co., Inc., from Rocky Mount, Va., October 11, 1920, and transported from the State of Virginia into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an emulsion of petroleum oil, alcohol, water, gum, sodium and calcium hypophosphites, and a trace of an iron compound.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part as follows, to wit, (wrapper) "For Colds, Coughs, Bronchitis, Sore Lungs, Loss Of Weight, Loss Of Appetite, Loss Of Strength, Tuberculosis Of The Lungs \* \* \* For Weak, Nervous And Overworked People. \* \* \* Is Recommended For Loss Of Flesh And Appetite, And For General Run-Down System. \* \* \* In Tuberculosis of the Lungs (consumption) Montague's Emulsion is one of the best remedies. It is far superior to cod liver oil \* \* \* enables the patient to eat, digest and assimilate food. It causes an increase in flesh and strength," (bottle) "Many physicians recommend it in preference to Emulsion of Cod Liver Oil \* \* \* specially recommended in the treatment of Coughs, Colds, Bronchitis and Weak Lungs, and run-down, nervous people will find it a great help in building up their nerve tissues and general health," which statements were false for the reason that the said labeling represented the article to be effective as a remedy for and as recommended in the treatment of colds, coughs, bronchitis, sore lungs and tuberculosis of the lungs, and weak lungs, and that it was especially recommended as a great help for building up nerve tissues and the general health of run-down, nervous people, and as recommended by many physicians in preference to emulsion of cod-liver oil, whereas the said article contained no ingredient or combination of ingredients capable of producing said therapeutic effects.

On April 27, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11516. Adulteration of frozen eggs. U. S. v. James T. Oder (Hastings Poultry Co.). Plea of guilty. Fine, \$5. (F. & D. No. 16419. I. S. No. 887-t.)**

On September 19, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James T. Oder, trading as the Hastings Poultry Co., Hastings, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 24, 1921, from the State of Nebraska into the State of Illinois, of a quantity of frozen eggs which were adulterated. The article was billed as "Eggs Juice."

Examination of four cans of the article by the Bureau of Chemistry of this department showed that the product had a sharp odor suggestive of moldy nuts, indicating decomposition, and that one of the cans was very moldy.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On March 12, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11517. Adulteration and misbranding of vinegar. U. S. v. 4 Barrels and 9 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16912, 16913. I. S. No. 1711-v. S. No. E-4213.)**

On November 9, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 13 barrels of vinegar, remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Powell Corp., from Canandaigua, N. Y., on or about September 5, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% \* \* \* The Powell Corp Canandaigua, N. Y."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar and evaporated apple products vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the labels on the barrels containing the said article bore the following statements, designs, and devices, "Pure Cider Vinegar Made From Apples," which were false and misleading and deceived and misled the purchaser in that the said statements, designs, and devices were and were intended to be of such a character as to induce the purchaser to believe that the said article was cider vinegar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cider vinegar.

On May 23, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11518. Adulteration and misbranding of assorted jellies. U. S. v. 161 Cases and 56 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 17307. I. S. Nos. 8238-v, 8239-v, 8240-v, 8241-v. S. No. W-1321.)**

On March 5, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and con-