Misbranding was alleged in substance for the reason that the statement appearing on the bottles, regarding the article and the ingredients and substances contained therein, to wit, "Sparkling * * * White Seal," together with the general appearance of the said bottles, to wit, foil-covered wired cork and neck, were false and misleading in that they represented that the article was a well-known brand of champagne, containing an alcoholic content, to wit, White Seal, made by Moet & Chandon in France, and for the further reason that the said statement and the pictorial representation of symbolic royal lions deceived and misled the purchaser into the belief that the article was an imported alcoholic liquor, whereas, in truth and in fact, it was not but was a product composed of artificially carbonated, sweetened, diluted apple juice, flavored with capsicum. Misbranding was alleged for the further reason that the article was a product composed of artificially carbonated, sweetened, diluted apple juice, flavored with capsicum, prepared in imitation of champagne and offered for sale under the distinctive name of another article, to wit, White Seal, a champagne made in France.

On June 23, 1923, the claim and answer previously entered by the Duffy-Mott Co., claimant, having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.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.*

11563. Adulteration of coal-tar color. U. S. v. 3 Cans of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14631. I. S. No. 2332-t. S. No. E-3177.)

On March 19, 1921, the United States attorney for the Western District of North Carolina, 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 3 cans of coal-tar color at Statesville, N. C., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., February 25, 1921, and transported from the State of Missouri into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "1 Lb. Net Manufacturing Chemists W. B. Wood Mfg. Co. * * * Warranted Complies With All Requirements Quality Color * * * Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that salt and sulphates had been mixed and packed with and substituted wholly or in part for the article. Adulteration was alleged for the further reason that the article contained an added poisoned [poisonous] or deleterious ingredient, arsenic, which rendered it injurious to health.

On April 27, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be condemned and destroyed.

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

11564. Misbranding of Egyptian regulator tea. U. S. v. 3 Dozen Packages of Egyptian Regulator Tea. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14638. S. No. E-3187.)

On March 18, 1921, the United States attorney for the Eastern District of South Carolina, 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 3 dozen packages of Egyptian regulator tea, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Kells Co., Newburgh, N. Y., on or about August 9, 1920, and transported from the State of New York into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (White circular) "Egyptian Regulator Tea * * * A Speedy and Positive relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness * * * Nature's Own Gift To Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption. Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * Malaria * * * killing the Disease Germs * * * Heart Troubles, Paralysis, Rheumatism,

Gout * * * apoplexy;" (blue wrapper) "Egyptian Regulator Tea A Remedy For * * * Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney trouble. * * * An Excellent Remedy for * * * Dyspepsia, * * * Rheumatism, Nervousness, Liver Complaints, Sick Headache, Also Corpulency, Etc."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of compressed herbs, including senna, coriander, dog grass, licorice root, ginger, sambucus, cinnamon, and dandelion root.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the said circulars and wrappers, regarding the curative and therapeutic effects of the said article, were false and fraudulent and were made knowingly and in wanton disregard of their truth or falsity and with the intent to deceive purchasers thereof.

On May 19, 1923, no claimant having appeared for the property, and a jury having been impaneled and a verdict having been rendered for the Government, 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.*

11565. Adulteration and misbranding of tomato catsup. U. S. v. Harold N. Weller (H. N. Weller & Co.). Plea of guilty. Fine, $50. (F. & D. No. 14752. I. S. Nos. 9710–r, 9951–r.)

On June 25, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harold N. Weller, trading as H. N. Weller & Co., Richmond, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, in two consignments, namely, on or about October 13, 1919, and February 13, 1920, respectively, from the State of Michigan into the States of Missouri and Indiana, respectively, of quantities of tomato catsup which was adulterated and misbranded. A portion of the article was labeled in part: "Perfection Brand Tomato Catsup * * * Packed By H. N. Weller & Co. Toledo, O." The remainder of the said article was labeled in part: "Catsup Manufactured From Tomatoes, Onions, Spices, Granulated Sugar And Vinegar * * * H. N. Weller & Co., Richmond, Mich."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that a portion of the product contained coal-tar dye and the remainder thereof contained coal-tar dye and glucose.

Adulteration was alleged in the information with respect to a portion of the article for the reason that a substance, to wit, a coal-tar dye, had been substituted in part for tomato catsup which the said article purported to be. Adulteration was alleged with respect to the remainder of the article for the reason that substances, to wit, glucose and coal-tar dye, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for catsup which the article purported to be. Adulteration was alleged with respect to all of the said product for the reason that it was an article inferior to tomato catsup, or catsup, as the case might be, and a portion of the said article contained glucose, and all of the said article was artificially colored with a certain coal-tar dye, to wit, Ponceau 3R, so as to simulate the appearance of catsup and in a manner whereby its inferiority to catsup was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Not Artificially Colored," borne on the labels attached to the jars containing a portion of the article, and the statement, to wit, "Catsup," borne on the labels attached to the bottles containing the remainder, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the former was not artificially colored and that the latter was composed wholly of catsup, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the former was not artificially colored and that the latter was composed wholly of catsup, whereas, in truth and in fact, the former was artificially colored and the latter was not composed wholly