

District Court of the United States for said district a libel for the seizure and condemnation of 21 cases, each containing 48 cans of evaporated milk, remaining unsold in the original unbroken packages, and in possession of Robert Hill, New York, N. Y., alleging that the product had been shipped on or about April 14, 1913, by the Boston Condensed Milk Co., Charlestown, Mass., and transported from the State of Massachusetts into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "4 doz. Talls—Quality Brand Evaporated Milk—Boston Condensed Milk Company, Bellows Falls, Vt." (On cans) "Quality Brand Evaporated Milk, directions: The product obtained by diluting the contents of this can with two thirds water will exceed the legal standard for whole milk. For Tea, Coffee, Cocoa, and Soup use undiluted, for which it has no equal. For household uses, where ordinary milk or cream would be used, dilute with water to the required consistency. Unsweetened sterilized evaporated milk. We guarantee Quality Brand evaporated milk to contain nothing but fresh, pure milk from herds inspected by both local and State boards of health, raised on the Green Mountains of Vermont and furnished to our factory in the most sanitary condition. Thoroughly sterilized and evaporated in the most cleanly and scientific method whereby only water is removed and nothing added. Preserved by sterilization only. The keeping quality is assured as long as the can remains unopened. When opened, treat as you would fresh milk or cream. Put up in small, family and tall size cans. Guaranteed by Boston Condensed Milk Co. under the Pure Food and Drug Act June 30, 1906. Serial No. 30712. Average net weight 1 lb. Boston Condensed Milk Co. Bellows-falls, Vt."

Adulteration of the product was alleged in the libel for the reason that a valuable constituent of the article had been wholly or in part abstracted, that is to say, the said article was low in total solids and manufactured from partly skimmed milk and not sufficiently reduced to entitle it to be designated evaporated milk, contrary to the provisions of section 7, subdivision 3, under "Food," of said act. Misbranding was alleged for the reason that the packages containing the article bore a statement which was false and misleading, in that it represented the article to be evaporated milk, whereas, in truth and in fact, the article was partly skimmed milk and not sufficiently reduced to entitle it to be designated evaporated milk, contrary to the provisions of section 8, subdivision 1, under "Food," of said act; and for the further reason that the packages containing the article were labeled and branded so as to deceive and mislead the purchaser, in that said labels and brands represented the article to be evaporated milk, whereas, in truth and in fact, the article was manufactured from partly skimmed milk and not sufficiently reduced to entitle it to be designated evaporated milk, contrary to the provisions of section 8, subdivision 2, under "Food," of said act.

On June 16, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 21, 1914.

3117. Misbranding of Smith's Agricultural Liniment. U. S. v. 8 Packages of Smith's Agricultural Liniment. Decree of condemnation. Product released on bond. (F. & D. No. 5242. S. No. 1819.)

On May 29, 1913, the United States Attorney for the Southern District of Ohio, 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 con-

demnation of 8 packages, each containing 12 bottles, of Smith's Agricultural Liniment, remaining unsold in the original unbroken packages, and in possession of John D. Park & Sons Co., Cincinnati, Ohio, alleging that the product had been shipped from the State of Kentucky into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On packages) "Smith's Agricultural Liniment. An external remedy for man and beast. Free from alcohol, morphine, or its derivatives and in full compliance with pure food law. Manufactured by T. B. Smith, Manufacturer and dealer in proprietary medicines. General drug supplies for country stores. Lexington, Ky.;" (On label around bottles) "Smith's Agricultural Liniment. An external remedy for man. It will cure Neuralgia, Headache, Backache, Toothache, Pain or Soreness in the Back, Chest or Side, Sore Throat, Diphtheria, Mumps, Rheumatism, Stiffness of Joints, Bruises, Tumors, Corns and Bunions, Old Sores, Scalds, Frost Bites, Burns, Poisonous Bites, Sprains, Swellings, Weed or Cake Breast. Beast. It removes Callous Enlargements, Saddle and Harness Galls, Chronic Sores, Fistula, Poll Evil, Scratches, Grease Heel, Distemper, Sweeny, Strains, Sprains. Heals Tumorous Warts, Cuts and Bruises, Wind Galls. There is no remedy equal to this liniment for Diphtheria, Pneumonia and Pleurisy. Directions: * * *" (On side of wrapper) "None genuine Without My Signature: Dr. Thom. B. Smith, Lexington, Ky."

Misbranding of the product was alleged in the libel for the reason that the statements borne and contained upon and in the packages and labels regarding the curative and therapeutic effect of said drug were false and fraudulent, in that said statements represented the drug to be a cure for rheumatism, diphtheria, sore throat, pneumonia, pleurisy, and the other diseases enumerated on said label, whereas, in truth and in fact, there is no substance or mixture of substances known at the present time which can be relied upon for the effectual treatment or cure of the diseases and conditions so enumerated upon the packages and labels, and said drug would not effect a cure of said diseases and conditions so enumerated.

On June 7, 1913, Thomas B. Smith, Lexington, Ky., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and restored to said claimant upon payment of all costs of the proceedings and the execution of bond in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 21, 1914.

3118. Adulteration of tomato pulp. U. S. v. 800 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5243. S. No. 1831.)

On June 2, 1913, the United States Attorney for the Southern District of New York, 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 800 cans of tomato pulp, remaining unsold in the original packages and in possession of Rudolph Gross, New York, N. Y., alleging that the product had been shipped on or about January 7, 1913, by the Stetson & Ellison Co., Camden, Del., and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed tomato pulp, contrary to the provisions of section 7, subdivision 6, under "Food," of said act.