

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.

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.

3119. Adulteration of tomato paste. U. S. v. 5 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5244. S. No. 1832.)

On June 4, 1913, the United States Attorney for the Northern 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 for the seizure and condemnation of 5 cases of tomato paste, remaining unsold in the original unbroken packages and in possession of the Zarnits Brothers Grocery Co., Wheeling, W. Va., alleging that the product had been shipped by the Ignatius Gross Co., New York, N. Y., and transported during the year 1913 from the State of New York into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Conserva Di Tomate Rossa. Guaranteed by the American Conserve Co Serial No. 9270. This can contains 15 oz. net weight containing 1/10 of 1 % of Benzoate of Soda and 15 % Salt."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 30, 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.

3120. Adulteration of canned salmon. U. S. v. 28 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5245. S. No. 1835.)

On June 6, 1913, the United States Attorney for the Southern 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 for the seizure and condemnation of 28 cases of so-called Alaska salmon, remaining unsold in the original unbroken packages and in possession of the United Retail Merchant Grocer Co., Peoria, Ill., alleging that the product had been shipped on December 12, 1912, by the Merchants National Grocer Co., St. Louis, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Archer Brand Salmon (Design of Indian with Bow and Arrow shooting at a fish) Alaska Salmon packed for A. B. Field and Co. Inc. Agents San Francisco." (On cans) "Alaska Salmon red A. B. Field and Co., Inc. Distributors San Francisco Archer Brand (Design of Indian with Bow and Arrow)."

Adulteration of the product was alleged in the libel for the reason that the article consisted in whole or in part of a filthy, decomposed and putrid animal substance and of portions of fish unfit for food.

On August 5, 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.