

and fraudulent in that they were applied to the article knowingly and in a reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of such purchasers, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents or combination of ingredients, effective, among other things, as a remedy for influenza, colds and grippe, when used alone or in combination with vaseline or olive oil, whereas, in truth and in fact, the article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents or a combination of ingredients, effective, among other things, as a remedy for influenza, colds, and grippe.

On June 30, 1919, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

**7189. Misbranding of sauerkraut. U. S. \* \* \* v. 900 Cases of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9985. I. S. No. 12370-r. S. No. C-1120.)**

On April 1, 1919, the United States attorney for the Northern 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 condemnation of 900 cases of sauerkraut, at Cleveland, O., alleging that the article had been shipped on or about September 7, 1918, by Cooke Shanawolf Co., Baltimore, Md., and transported from the State of Maryland into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Highland Square Brand Sauerkraut."

Adulteration of the article was alleged in the libel for the reason that liquor in excess of that contained in commercial sauerkraut had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding of the article was alleged for the reason that the statement "Sauerkraut" was false and misleading, and deceived and misled the purchaser by representing that the article consisted of commercial sauerkraut, whereas it consisted of sauerkraut and liquor in excess of the amount present in commercial sauerkraut.

On June 30, 1919, 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 sold by the United States marshal.

On July 9, 1919, it appearing to the court that the sauerkraut was in such condition that it had become unfit for food for man or beast, and there being no other purpose for which it could be sold, it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**7190. Adulteration of gelatin. U. S. \* \* \* v. 3 Barrels of Gelatin. Default decree of condemnation, forfeiture, and destruction. Empty containers ordered sold. (F. & D. No. 9829. I. S. No. 5682-r. S. No. C-1087.)**

On March 4, 1919, the United States attorney for the Northern District of Iowa, 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