

sugar. He took the treatment for a year or more and got all right; (testimonial of Louis A. Portner, St. Louis, Mo.) “* * * began using the Texas Wonder for stone in the kidneys, inflammation of the bladder and tuberculosis of the kidneys * * *. His urine contained 40% pus. * * * was still using the medicine with wonderful results, and his weight had increased * * *.”

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, turpentine, guaiac, and alcohol.

Misbranding of the article was alleged in substance in the libel for the reason that the foregoing statements, appearing on the labels and included in the circular accompanying the article, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it.

On March 22, 1920, 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.

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

7564. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 999 Cases of Canned Tomatoes. . Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 11550. I. S. No. 13988-r. S. No. E-1875.)

On December 9, 1919, 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 999 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 30, 1919, by Charles Webster, East New Market, Md., and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, “Rose Hill Brand Tomatoes. Packed By Chas. Webster at East New Market, Dorchester Co., Md.”

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, water, had been mixed and packed with, and substituted wholly or in part for, tomatoes, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels on the cans bore statements, designs, and devices, regarding the article and the ingredients and substances contained therein, which were false and misleading, and deceived and misled the purchaser by representing the product to be canned tomatoes. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, canned tomatoes.

On February 26, 1920, the said Charles Webster, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

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