

7873. Adulteration and misbranding of canned tuna fish. U. S. * * * v. 125 Cases of a Product Purporting to be Canned Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12148, 12149. I. S. No. 14158-r. S. No. E-1974.)

On February 16, 1920, 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 125 cases of a product purporting to be canned tuna fish, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about September 23, 1919, by the White Star Canning Co., East San Pedro, Calif., and transported from the State of California 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, "Radio Brand Blue Fin Tuna * * * White Meat Tuna * * * Selected White Meat of California Tuna."

Adulteration of the article was alleged in the libel for the reason that striped tuna (*Gymnosarda pclamis*) had been mixed and packed with, and substituted in part for, California tuna fish.

Misbranding of the article was alleged for the reason that the following statements, to wit, "Blue Fin White Meat Tuna * * *," "Selected White Meat of California Tuna * * *," and "Blue Fin Tuna," were false and misleading and deceived and misled the purchaser. 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.

On February 26, 1920, the White Star Canning Co., claimant, having filed a stipulation admitting the truth of the allegations of the libel and consenting 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 \$1,000, in conformity with Section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

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

7874. Misbranding of Hien Fong Essence. U. S. * * * v. 231 Bottles of Hien Fong Essence. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12198. I. S. No. 9251-r. S. No. C-1772.)

On February 24, 1920, the United States attorney for the Eastern District of Missouri, 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 231 bottles of Hien Fong Essence, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about January 26, 1920, by the Knorr Medical Co., Detroit, Mich., and transported from the State of Michigan into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper) "Cholera Morbus, Indigestion and Sore Throat and as a prophylactic in suspected cases of Croup and Diphtheria;" (bottle) "Cholera Morbus, Indigestion, Summer Complaint, Neuralgia, Catarrh, Grippe, * * * Tonsilitis, Sore Throat. In case of Diphtheria and Croup, these drops may be used to advantage as a gargle in connection with the regular prescribed treatment;" (circular) "Asthma, Grippe, In In-

flamation and weakness of the eyes, Dullness of Ears, Catarrh and Hayfever, In Suspected Diphtheria and Croup the Essence will be valuable as a prophylactic treatment * * * Catarrh, Cholera Morbus and Summer Complaint."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of a solution in 50 per cent alcohol of small amounts of oils of spearmint, lavender, and probably anise, camphor, and valerian.

Misbranding of the article was alleged in the libel for the reason that the preceding statements, regarding the curative and therapeutic effects of the article, were false and fraudulent.

On May 20, 1920, Oscar Gotsch, claimant, having entered appearance and filed a claim for the property seized and having admitted the allegations of the libel and 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 \$150, in conformity with section 10 of the act, conditioned in part that the product be reshipped to the laboratory of the Knorr Medical Co. to be relabeled under supervision of this department.

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

7875. Misbranding of Hien Fong Essence. U. S. * * * v. 39 Bottles 30-cent Size, 68 Bottles 60-cent Size, and 6 Bottles \$1.15 Size of Hien Fong Essence. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12209. I. S. No. 8114-r. S. No. C-1786.)

On February 26, 1920, the United States attorney for the District of Nebraska, 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 39 bottles of the 30-cent size, 68 bottles of the 60-cent size, and 6 bottles of the \$1.15 size, of Hien Fong Essence, remaining unsold in the original unbroken packages at Omaha, Nebr., alleging that the article had been shipped on or about September 27, 1919, and January 7, 1920, by the Knorr Medical Co., Detroit, Mich., and transported from the State of Michigan into the State of Nebraska, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "Cholera Morbus, Indigestion, Summer Complaint, Neuralgia, Catarrh, Grippe * * * Tonsilitis, Sore Throat. In case of Diphtheria * * * these drops may be used to advantage as a gargle in connection with the regular prescribed treatment;" (wrappers) "Cholera Morbus, Indigestion and Sore Throat and as a prophylactic in suspected cases of Croup and Diphtheria."

Analysis of a sample of the product made by the Bureau of Chemistry of this department showed that it consisted essentially of alcohol and water, containing small amounts of essential oil, including peppermint, spearmint, and lavender, ether, and plant extractives.

Misbranding of the article was alleged in the libel for the reason that the foregoing statements on said label were false, fraudulent, and misleading in that the product contained no ingredient or combination of ingredients capable of producing the effect claimed.

On April 21, 1920, no claimant having appeared for the property, a default decree 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.*