

violation of the Food and Drugs Act. The article was labeled in part, "Cock O' The Walk Tomatoes with added tomato juice * * *" (design of red ripe tomato).

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

Misbranding was alleged in substance for the reason that the statement "Tomatoes with added tomato juice" and the design of a ripe tomato on the cans, and the statement "Standard Tomatoes" on the shipping cases, regarding the article and the ingredients and substances contained therein, were misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, canned tomatoes.

On September 21, 1920, Silas A. Birdsong, Thomas H. Birdsong, and George F. Birdsong, trading as Birdsong Bros., New York, N. Y., claimants, 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 claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department as "Tomatoes with added Tomato Puree."

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

8576. Misbranding of Gauvin's Cough Syrup. U. S. * * * v. 11 Dozen Bottles, 4 Dozen Bottles, 59 Dozen Bottles, and 11 Dozen Bottles of Gauvin's Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12409, 12410, 12412, 12413. I. S. Nos. 13074-r, 13077-r, 13083-r, 13079-r. S. Nos. E-2116, E-2118, E-2120, E-2121.)

On May 17 and May 24, 1919, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 11 dozen bottles of Gauvin's Cough Syrup, at Portland, Me., and 4 dozen bottles, 59 dozen bottles, and 11 dozen bottles of Gauvin's Cough Syrup, at Biddeford, Me., consigned by J. A. E. Gauvin, Lowell, Mass., remaining unsold in the original unbroken packages, alleging that the article had been shipped October 8, October 17 (2 shipments), and October 20, 1919, respectively, and transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extractives of wild cherry bark, spruce gum, sugar, alcohol and water.

Misbranding of the article was alleged in substance in the libels for the reason that the packages bore certain statements regarding the curative or therapeutic effects thereof, as follows, (bottle) "* * * For * * * 'La-Grippe', Whooping Cough and all affections of the Throat and Lungs," (carton) "* * * for * * * all Throat and Pulmonary Diseases * * * all Diseases of the Respiratory Organs * * *," (circular) "* * * Successfully used in all affections of the Throat, Bronchi and Lungs * * * in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption * * * Tuberculosis * * * ailments of the Chest * * * Spasmodic Coughs * * * for treatment of the most serious cases of Colds, Bronchitis, the most obstinate Catarrhs, Hoarseness * * * Epidemic Grippe * * * Diseases of the Chest * * *

Gastric Disorders," (wholesale carton) "* * * for Pulmonary Diseases * * * Affections of the * * * Bronchial Tubes and Lungs * * *," which were false and fraudulent in that the article contained no ingredient or ingredients capable of producing the effects claimed.

On June 16, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

8577. Misbranding of Texas Wonder. U. S. * * * v. 2 Dozen Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12515. I. S. No. 9523-r. S. No. C-1838.)

On March 20, 1920, the United States attorney for the Southern District of Alabama, 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 2 dozen bottles of Texas Wonder at Mobile, Ala., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on February 14, 1920, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, turpentine, gualac, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that on the cartons containing the article and in a small circular accompanying the same appeared certain statements regarding the curative and therapeutic effects thereof, to wit, (cartons) "A Remedy for Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children," (circular, headed "Read Carefully") "In cases of gravel and rheumatic troubles it should be taken every night in 25 drop doses until relieved," which were false and fraudulent, as the article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On July 27, 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.*

8578. Misbranding of Texas Wonder. U. S. * * * v. 132 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12542. I. S. No. 9527-r. S. No. C-1878.)

On April 8, 1920, the United States attorney for the Eastern District of Louisiana, 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 132 bottles of Texas Wonder, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about February 28, 1920, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, turpentine, gualac, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the carton containing the article and in the circular accompanying the same, regarding the curative and therapeutic