

that it contained an appreciable amount of iron, and that the Phoenix Skin Ointment contained 10 per cent of red mercuric oxid, whereas, in truth and in fact, the Phoenix Chill Cure was not tasteless, was not entirely vegetable, and contained little, if any, iron, and the Phoenix Skin Ointment did not contain 10 per cent of red mercuric oxid, but contained a less amount.

On October 5, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$120 and costs.

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

S797. Adulteration of tomato purée. U. S. * * * v. 300 Cases of Canned Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12663. I. S. No. 7289-r. S. No. C-1948.)

On May 26, 1920, the United States attorney for the Western District of Kentucky, 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 300 cases, each containing 48 cans of tomato purée, consigned by Morgan Packing Co., Austin, Ind., April 16, 1920, remaining unsold in the original packages at Louisville, Ky., alleging that the article had been transported from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Scott Brand Tomato Puree;" (can) "Scott Co. Brand Tomato Puree ~ ~ ~ Morgan Packing Co., Austin, Ind."

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

On July 1, 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.*

S798. Misbranding of Sirop D'Anis. U. S. * * * v. 5 Bottles, 30 Bottles, and 48 Bottles of Sirop D'Anis Gauvin Composé. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 12760, 12761, 12762. I. S. Nos. 8898-r, 8899-r, 8900-r. S. Nos. C-1950, C-1951, C-1952.)

On June 2, 1920, the United States attorney for the Western District of Michigan, 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 bottles, 30 bottles, and 48 bottles of an article of drugs, labeled in part, "Sirop D'Anis Gauvin Composé," remaining unsold in the original unbroken packages at Escanaba and Schaffer, Mich., alleging that the article had been shipped and transported from the State of Massachusetts into the State of Michigan, by J. A. E. Gauvin, Lowell, Mass., on or about March 1, March 13, and April 15, 1920, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle, March 1 shipment) "For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs, and colds; Recommended for babies and children when process of dentition is painful;" (bottle, remaining shipments) "For Babies * * * This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and Painful Dentition * * *," (French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Sleeplessness, Coughs, Colds, etc.;" (wrapper, all shipments) "For Babies * * * This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc.," (French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc.;" (circular, all shipments) "For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery,

Coughs, Colds and Sleeplessness. Recommended for babies and children when the process of dentition is painful," (French) "For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Colds and Chills * * * Recommended for babies and children when dentition is painful and when wanting sleep."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of morphine acetate, oil of anise, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effect of said article, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 13, 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.*

8799. Adulteration and misbranding of milk powder. U. S. * * * v. United Bakers' Specialty Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 12794. I. S. No. 13005-r.)

On July 31, 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 an information against the United Bakers' Specialty Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 6, 1918, from the State of New York into the State of Massachusetts, of a quantity of milk powder which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be a skimmed milk powder.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, skimmed milk powder, had been substituted wholly or in part for milk powder, to wit, whole milk powder, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, butter fat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Milk Powder," borne on the barrels containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was milk powder, to wit, a product made from whole milk, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was milk powder, to wit, a product made from whole milk, whereas, in truth and in fact, the article was not a product made from whole milk, but was a product made from skimmed milk. Misbranding was alleged for the further reason that the article was a product made from skimmed milk, prepared in imitation of milk powder, and was offered for sale and sold under the distinctive name of another article, to wit, milk powder.

On August 11, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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