

and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

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

On May 16, 1919, the C. F. Blanke Tea & Coffee Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and consented to a decree, it was found by the court that the product was adulterated as alleged in the libel, and the said claimant having filed a good and sufficient bond, in conformity with section 10 of the act, it was ordered by the court that the product might be delivered to said claimant upon payment of the costs of the proceedings.

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

**8932. Adulteration of tomato purée. U. S. \* \* \* v. 1,400 Cases of Tomato Purée. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 10585. I. S. No. 8830-r. S. No. C-1280.)

On June 12, 1919, 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 1,400 cases of tomato purée, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Morgantown Packing Co., Portland, Ind., on or about November 25, 1918, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "True Value Brand Tomato Purée Packed by The Morgantown Packing Co. Morgantown, Ind."

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

On January 4, 1921, 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.*

**8933. Adulteration and misbranding of oil of birch. U. S. \* \* \* v. 3 Cans \* \* \* of a Product Purporting to be Oil of Birch. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 11861. I. S. No. 13997-r. S. No. E-1917.)

On December 29, 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 3 cans of a product purporting to be oil of birch, labeled in part, "From Z. B. Buchanan (incorporated)," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on December 16, 1919, by Z. B. Buchanan, Hickory, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained synthetic methyl salicylate.

Adulteration of the article, considered as a drug, was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity

as determined by the test laid down in said Pharmacopœia, and its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, synthetic methyl salicylate derived from a source other than birch, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of birch.

Misbranding of the article, considered as a drug, was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, oil of birch, and, considered as a food, for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of birch.

On October 29, 1920, the said Z. B. Buchanan, Inc., claimant, having consented to a decree, 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.*

**8934. Misbranding of Kellogg's Sanitone Wafers. U. S. \* \* \* v. 3 Dozen Boxes of Kellogg's Sanitone Wafers. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13340. I. S. No. 4219-t. S. No. C-2108.)

On August 16, 1920, the United States attorney for the Western District of Tennessee, 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 3 dozen boxes of Kellogg's Sanitone Wafers, at Memphis, Tenn., alleging that the article had been shipped on or about August 1, 1920, by F. J. Kellogg, Battle Creek, Mich., and transported from the State of Michigan into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The boxes containing the article were labeled and marked as follows: "Kellogg's Sanitone Wafers \* \* \* used \* \* \* in \* \* \* treatment of cystitis, \* \* \* prostatic enlargements, uterine fibroid tumors \* \* \* Herpes preputialis \* \* \* Cirrhosis of the female breast, castration, menopause, functional impotency in men, chronic alcoholism, nervous vomiting \* \* \* vomiting in pregnancy, neurasthenia, locomotor ataxia, exophthalmic goiter \* \* \* locomotor ataxia are of particular interest and importance. Results from this salt (chromium sulphate) are speedy and striking. In \* \* \* neurasthenia it deserves the unique position of being the only drug which is curative \* \* \* Locomotor ataxia is curable with chromium sulphate \* \* \* the wafers have chromium sulphate as their chief ingredient."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of salts of iron and chromium, a laxative plant drug, capsicum, and a trace of strychnine.

It was alleged in substance in the libel that the above-quoted statements regarding the curative and therapeutic effects of the article were false and fraudulent, and calculated to mislead and deceive the purchaser thereof, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 8, 1921, 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.*