

article was labeled in part, "Rose Hill Brand Tomatoes. Packed by Chas. Webster, at East New Market, Md."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed with and substituted wholly or in part for tomatoes.

Misbranding was alleged in substance for the reason that the package or label of the article bore statements, designs, and devices regarding said article or the ingredients or substances contained therein, to wit, "Rose Hill Brand Tomatoes," and a cut of a whole ripe tomato, which were false and misleading and deceived and misled the purchaser, and for the further reason that the said article was an imitation of, and offered for sale under the distinctive name of, another and different article.

On March 3, 1920, the said Charles Webster, claimant, having admitted the truth of 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 \$900, in conformity with section 10 of the act, conditioned in part that the product be relabeled by said claimant at his own expense, under the supervision of this department.

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

**9005. Adulteration of salmon. U. S. \* \* \* v. 4,800 Cans \* \* \* of Invincible Brand Medium Red Salmon, 9,600 \* \* \* Cans of Choice Oregon Salmon, 200 Cases of \* \* \* Cape Aragon Brand Choice Red Salmon, 400 Cases of \* \* \* Invincible Brand Medium Red Salmon, 2,400 \* \* \* Cans of Invincible Brand Choice Oregon Salmon, 2,400 \* \* \* Cans of Cape Aragon Brand Choice Red Salmon, and 150 Cases of \* \* \* Cape Aragon Brand Choice Red Salmon. Default decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 12138, 12233, 12234, 12527. I. S. Nos. 5229-r, 2844-r, 2845-r, 2847-r, 2846-r, 5230-r. S. Nos. W-573, W-583, W-589.)**

On February 4, 1920, March 9, 1920, and March 23, 1920, the United States attorney for the District of Utah, 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 4,800 cans of Invincible Brand Medium Red Salmon, 9,600 cans of Choice Oregon Salmon, and 200 cases of Cape Aragon Brand Choice Red Salmon, 400 cases of Invincible Brand Medium Red Salmon, 2,400 cans of Invincible Brand Choice Oregon Salmon, 2,400 cans of Cape Aragon Brand Choice Red Salmon, and 150 cases of Cape Aragon Brand Choice Red Salmon, remaining in the original unbroken packages at Salt Lake City and Ogden, Utah, alleging that the article had been shipped on or about October 9, 1919, by the Tallant-Grant Packing Co., Astoria, Oreg., and transported from the State of Oregon into the State of Utah, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that it consisted wholly or in part of filthy, decomposed, or putrid animal substance.

On October 9, 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. On December 10, 1920, the decrees of destruction theretofore entered were amended by order of the court so as to provide for the sale of the goods for a sum not less than the cost of storage, the purchaser of the same to furnish good and sufficient bond in the aggregate sum of \$5,000, conditioned that the salmon be disposed of and used for stock feeding and for no other purpose, and that it be not disposed of in violation of the Food and Drugs Act.

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

**9006. Adulteration of shell eggs. U. S. \* \* \* v. Hyman Brody (Farmers Store). Plea of guilty. Fine, \$1. (F. & D. No. 12336. I. S. Nos. 18783-r, 18785-r.)**

On May 24, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hyman Brody, trading as

Farmers Store, Regan, N. D., alleging shipment by said defendant on or about July 31 and August 4, 1919, from the State of North Dakota into the State of Minnesota, of quantities of eggs which were adulterated.

Examination of a sample from each of the consignments of the article by the Bureau of Chemistry of this department showed 30 and 12.7 per cent, respectively, of inedible eggs, consisting of mixed or white rots, moldy eggs, and blood rings.

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

On December 8, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1.

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

**9907. Misbranding of Claes Tilly Genuine Medicamentum. U. S. \* \* \* v. Claes Tilly, Inc., a Corporation. Plea of guilty. Fine, \$200.** (F. & D. No. 13162. I. S. Nos. 15665-r 16348-r.)

On January 15, 1921, 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 Claes Tilly, Inc., a corporation, trading at New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 15, 1918, and January 11, 1919, from the State of New York into the State of Georgia and the District of Columbia, respectively, of quantities of Claes Tilly Genuine Medicamentum which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a sulphurated vegetable oil, probably linseed, mixed with turpentine and possibly a small amount of oil of amber.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices, regarding the therapeutic and curative effects thereof, appearing on the labels of the boxes, and in the booklet or circular, as the case might be, inclosed in the boxes, falsely and fraudulently represented it to be effective, with respect to both consignments, as a treatment, remedy, and cure for bladder, kidney, and liver disorders, anemia, brittle nails, erysipelas, measles, small-pox, dyspepsia, fevers, chronic Bright's disease, chronic bladder disease, abdominal fatness, jaundice, biliary colic, pneumonia, piles, liver constipation, and worms in children, and with respect to the consignment of November 15, 1918, as a treatment, remedy, and cure for falling hair, typhoid fever, scarlet fever, typhomalarial fever, capillary bronchitis, chronic gout, inflammatory rheumatism, constipation, pale blood, and faulty nutrition of the aged, and with respect to the consignment of January 11, 1919, as a treatment for kidney, bladder, stomach, liver, and blood trouble, when, in truth and in fact, it was not.

On January 26, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

**9908. Misbranding of La Nobleza and Sin Igual. U. S. \* \* \* v. Juan Gandara. Tried to the court and a jury. Verdict for the Government. Defendant sentenced to one year in jail and to pay costs of proceedings.** (F. & D. No. 13241. I. S. Nos. 10366-t, 10367-t.)

On August 17, 1920, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Juan Gandara, Albuquerque, N. Mex., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on July 30, 1920, from the State of New Mexico into the State of California, of a quantity of La Nobleza and Sin Igual, and from the State of New Mexico into the State of Arizona, of a quantity of Sin Igual, all of which were misbranded. The articles were labeled in part, respectively, "La Nobleza \* \* \* Don Juan Gandara, Elms Hotel, \* \* \* First and Tijeras, Albuquerque, N. M.,"