

alleging that the article had been shipped on or about October 9, 1918, January 18 and April 22, 1919, and transported from the State of Maryland into the State of Florida, 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 balsam, essential oils, including oil of cassia, alcohol, and water. No ethyl nitrite was present.

It was alleged in substance in the libel that the article was misbranded in that the label on the bottles contained the statement, "5 Minims Ethyl Nitrite To The Fluid Ounce," whereas it contained no ethyl nitrite. It was further alleged in substance that the article was misbranded for the reason that the label upon the cartons and bottles containing it, and in the circular accompanying said article, contained the following statements regarding the curative and therapeutic effects of said article, (carton) "Planters Golden Crown Special * * * For Gonorrhoea Gleet And Diseases of a Similar Character; Also to Be Used As a Preventative of Stricture," (bottle) "Planters Golden Crown Special * * * for Gonorrhoea, Gleet * * *," (circular) "Planters Golden Crown Special A Safe And Reliable Medicine For Gonorrhea, Gleet And Diseases Of A Similar Character Planters Golden Crown Special is a fine medicine for Kidney Troubles, Stone in the Bladder and all aching and painful sensations in the small of the back. * * * It Will prevent stricture," which were false, fraudulent, and misleading in that said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in said statements above set forth.

On February 3, 1921, no claimant having appeared for the property, judgment was entered finding that the product was subject to condemnation, and it was ordered by the court that the same be destroyed by the United States marshal.

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

9126. Adulteration of tomato pulp. U. S. * * * v. 149 Cases of Canned Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12282. I. S. Nos. 9249-r, 9250-r. S. No. C-1829.)

On March 10, 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 149 cases of canned tomato pulp, at St. Louis, Mo., alleging that the article had been shipped on November 19, 1919, by the Central States Canning Co., Indianapolis, Ind., and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled, "Elk Brand Concentrated Strained Tomatoes," and the remainder was labeled, "White Ribbon Fancy Heavy Body Tomato Pulp."

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

Misbranding was alleged for the reason that the labeling was false and misleading and deceived and misled the purchaser into the belief that the product consisted wholly of tomatoes, whereas it contained filthy, decomposed, and putrid vegetable matter, and for the further reason that it was an imitation of, and was sold under the distinctive name of, another article.

On January 27, 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.*