

Adulteration of the article was alleged in the libel for the reason that vanillin coumarin solution had been mixed and packed with, and substituted wholly or in part for, the said ice cream flavor, and for the further reason that it was colored in a manner whereby its inferiority was concealed.

Misbranding of the article was alleged for the reason that the statement, "A-XXXX Ice Cream Flavor Concentrated," was false and misleading and deceived and misled the intending purchaser thereof, and for the further reason that it was an imitation of, and was offered for sale under a distinctive name of, another article.

On June 25, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9807. Adulteration and misbranding of pink beans. U. S. * * * v. 365 Sacks * * * of Pink Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13694. I. S. No. 1615-t. S. No. C-2509.)

On September 18, 1920, the United States attorney for the Southern District of Texas, 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 365 sacks of pink beans, at Brownsville, Tex., alleging that the article had been shipped by Sinsheimer & Co., Stockton, Calif., on or about April 3, 1919, and transported from the State of California into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

It was alleged in substance in the libel that the article was adulterated in that it was filthy, decomposed, and putrid.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 4, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9808. Misbranding of Red Cross tansy pills. U. S. * * * v. 174 Packages of Red Cross Tansy Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13842, 13843. I. S. Nos. 5686-t, 5691-t. S. Nos. E-2848, E-2849.)

On November 3, 1920, the United States attorney for the Western District of Pennsylvania, 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 174 packages of Red Cross tansy pills, at Pittsburgh, Pa., consigned by the Norman Lichty Mfg. Co., Des Moines, Iowa, alleging that the article had been shipped from Des Moines, Iowa, August 26 and 31 and October 1, 1920, respectively, and transported from the State of Iowa into the State of Pennsylvania, 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 the pills consisted essentially of aloes and ferrous sulphate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the therapeutic or curative effects

thereof, appearing on the label of the carton containing the article and in an accompanying circular, to wit, (carton) " * * * Relieves Cases of obstructions of long standing and the Regulation of Female Complaints," (circular) " * * * Sure Relief in cases of obstructions of long standing and the Regulation of all Female Complaints. * * * safe and sure as a monthly regulator. * * * Suppression of menstruation * * * The object of this remedy is to relieve this abnormal condition, and long experience in its use has demonstrated beyond a doubt its efficacy. * * * no experiment, but an assured success, and all who require a remedy of this kind should use Red Cross Tansy Pills. * * * For Suppressed Menstruation, for Painful Menstruation, and a Preventive for Irregular Menstruation," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the said article was effective as a remedy for the suppression of the menstrual function, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed.

On June 28, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9809. Misbranding of digester tankage. U. S. * * * v. The McMillen Company, a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 13917. I. S. No. 11090-r.)

On April 25, 1921, the Grand Jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district returned in the District Court of the United States for the district aforesaid an indictment against the McMillen Co., a corporation, Fort Wayne, Ind., charging shipment by said company, in violation of the Food and Drugs Act, on or about December 4, 1919, from the State of Indiana into the State of Michigan, of a quantity of Magic Brand digester tankage which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 57.53 per cent of protein.

Misbranding of the article was charged in the indictment for the reason that the statement, to wit, "Guarantees this * * * Tankage to contain not less than * * * 60.0 per cent. of crude protein," borne on the tag attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 60 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of crude protein, whereas, in truth and in fact, it did contain less than 60 per cent of crude protein, to wit, approximately 57.53 per cent.

On May 7, 1921, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9810. Misbranding of canned salmon. U. S. * * * v. Tallant-Grant Packing Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 11135. I. S. No. 14285-r.)

On March 9, 1921, the United States attorney for the District of Oregon, 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 Tallant-Grant