

Misbranding was alleged for the reason that the statement, "98 Lbs.," appearing on the sacks containing the article, was false and misleading and deceived and misled purchasers. Misbranding was alleged for the further 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 June 2, 1922, H. H. Cook, San Francisco, Calif., claimant, having consented to the entry of 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 payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11067. Misbranding of candy. U. S. v. Louis K. Liggett Co., a Corporation. Collateral of \$50 forfeited. (F. & D. No. 16559. I. S. Nos. 17023-t, 17024-t.)

On October 24, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Louis K. Liggett Co., a corporation, trading in the District of Columbia, alleging that on March 16, 1922, the said company did offer for sale and sell at the District of Columbia, in violation of the Food and Drugs Act, as amended, quantities of chocolate peppermint candy and Jordan almonds which were misbranded. The chocolate peppermint candy was labeled in part: (Outside of package) "Liggett's America's Greatest Drug Stores Candy Department;" (inside of package) "16 Oz. Net." The package containing the Jordan almonds was unlabeled and unmarked.

Misbranding of the articles was alleged in the information for the reason that each 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 October 24, 1922, the defendant company having failed to enter an appearance, the \$50 collateral which had been deposited by it to secure its appearance was declared forfeited by the court.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11068. Adulteration of tomato catsup. U. S. v. 22 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16797. I. S. Nos. 79-v, 80-v. S. No. E-4163.)

On September 6, 1922, 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 22 cases of tomato catsup, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by S. J. Van Lill Co., Baltimore, Md., on or about July 19, 1922, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Somerset Club Brand Catsup * * * Contents 6 Lbs. 6 Ozs."

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 October 31, 1922, 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. F. MARVIN, *Acting Secretary of Agriculture.*

11069. Adulteration of butter. U. S. v. 43 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16806. I. S. No. 3768-v. S. No. C-3800.)

On September 7, 1922, the United States attorney for the Northern District of Illinois, 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 43 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Wittenberg Cooperative Dairy Co., Wittenberg, Wis., August 21, 1922, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that said substance had been substituted in part for the said article, and for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted from the said article.

On October 24, 1922, the Wittenberg Cooperative Dairy Co., Wittenberg, Wis., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so that it should contain not less than 80 per cent of milk fat and not more than 16 per cent of water.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11070. Misbranding of Boquette's family remedy. U. S. v. 19 Bottles, et al, of Boquette's Family Remedy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14696, 14697, 15479. I. S. Nos. 3955-t, 3956-t, 1020-t. S. Nos. C-2954, C-2955, C-3272.)

On April 5 and October 14, 1921, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 44 bottles of Boquette's family remedy, remaining unsold in the original unbroken packages in various lots at Richmond, Cainesville, and Excelsior Springs, Mo., alleging that the article had been shipped by the Boquette Co., Council Bluffs, Iowa, in part September 20, 1920, and in part February 10, 1921, and transported from the State of Iowa into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Boquette's Family Remedy For Chills and Fever, external and internal. For Rheumatism, Neuralgia, Lumbago, Heart Trouble, Constipation, Indigestion, Catarrh, Kidney Trouble, Stomach Trouble, Headache, Grippe, or Blood Diseases. It is a fine purifier and Nerve Tonic * * * for female trouble and weaknesses * * * Blood Purifier Compound of Roots, Herbs, Leaves, Barks and Berries * * * For Chills, Fever, Flu, Grip * * * For Mumps * * * For Female Complaints, Stomach Trouble, Bladder Troubles, Sore Throat, Kidney Troubles, Nervous Prostration, Headaches, Lamé Back, Hay Fever—For Goitre, Constipation, Coughs, Tuberculosis, Liver, Piles * * * For Rheumatism, Paralysis, Dropsy, Inflamed and Swollen Limbs, and for Syphilis * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 3 per cent of magnesium sulphate, 2½ per cent of sodium nitrate, a small amount of extractives, and 93½ per cent of water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the labels of the said bottles, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 1, July 2, and November 18, 1921, respectively, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11071. Misbranding of cottonseed meal. U. S. v. Tallulah Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 14920. I. S. No. 11928-t.)

On August 27, 1921, the United States attorney for the Western District of Louisiana, 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 Tallulah Cotton Oil Co., a corporation, Tallulah, La., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about August 22, 1920, from the State of Louisiana into the State of Illinois, of a quantity of cottonseed meal which was misbranded.