

article derived from grapes, whereas, in truth and in fact, it was not grape-smash-flavored concentrate, an article derived from grapes, but was an artificially colored imitation grape concentrate. Misbranding was alleged for the further reason that the article was an artificially colored imitation grape concentrate, prepared in imitation of grape smash, and was offered for sale and sold under the distinctive name of another article, to wit, grape smash.

On January 24, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

11336. Misbranding of Veronica water. U. S. v. 49 Cases of Veronica Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16300. I. S. No. 1831-t. S. No. C-3611.)

On May 10, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases of Veronica water, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Veronica Medicinal Springs Water Co., Santa Barbara, Calif., on or about March 14, 1922, and transported from the State of California into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "California's Natural Medicinal Spring Water * * * The Medicinal Effects If the component parts of the water be duly considered, it will be seen how it is possible for the mineral water from one spring to be valuable for many ailments * * * Write for our booklet of testimonials, every one of which this Company guarantees to be absolutely genuine, and received by this Company without pay or promise to pay. A fair trial will convince the most skeptical of the merits of Veronica Water;" (cases) "Veronica Water The Analysis Of Veronica Water * * * The Medicinal Effects If the component parts of the water be duly considered, it will be seen how it is possible for the mineral water from one spring to be valuable for many ailments. Directions For Using * * * Veronica Santa Barbara California's Natural Medicinal Spring Water Trade Mark;" (booklet) "As An Eliminant and Diuretic It Has No Equal * * * the value of Veronica Water in rheumatism, in the train of conditions following habitual alcoholic abuse * * * for the symptomatic relief of chronic nephritis * * * and in those affections of the urinary tract where mild diuresis with catharsis may be indicated. * * * the positive effect upon digestive and urinary tract, indicate the value of Veronica Water in this very broad, if limited, class of conditions. * * * In many forms of liver, kidney, bladder and urethral troubles it is the desideratum, stimulating them to healthy action and assisting nature to throw off the waste products of the body. At the same time the powerful solvent properties of the alkaline salts is obtained and the hyper-acid condition of the blood neutralized. * * * It would be necessary to take a review of the whole nosological index, if I was to occupy myself here with all the diseases which have been benefited or cured by the use of Veronica Mineral Water."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of water containing magnesium sulphate, sodium nitrate, sodium chlorid, calcium bicarbonate, calcium sulphate, and magnesium chlorid.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 26, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

11337. Adulteration of minced clams. U. S. v. 274 Cases and 124 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16590. I. S. Nos. 10975-t, 14051-t. S. No. W-1143.)

On July 6, 1922, 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 a libel praying the seizure and condemna-

tion of 274 cases and 124 cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Wiegardt Bros., from Nahcotta, Wash., May 8, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Mast-er Brand Minced Razor Clams Packed By Wiegardt Bros. Ocean Park, Wash."

Adulteration of the article was alleged in the libel for the reason that excessive water or clam juice had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for minced clams.

During the month of August, 1922, Wiegardt Bros., 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 the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act.

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

11338. Adulteration and misbranding of canned oysters. U. S. v. 97 Cases, et al., of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17013, 17014. I. S. Nos. 7783-v, 7785-v, 7791-v. S. Nos. W-1246, W-1249.)

On December 7, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 263 cases of oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sea Food Co., from New Orleans, La., in part on or about March 1 and in part on or about May 7, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously, in part: "Lopez's Cove Oysters * * * Biloxi Chief Brand Net Contents 5 Ounces Oyster Meat Select Oysters Packed By Baratara Canning Co., New Orleans, La. & Biloxi, Miss.;" "Silver Shield Brand Oysters * * * Contents 10 Ounces Exclusive Of Liquid;" "Darling Brand Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 8 Ounces Oysters."

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

Misbranding was alleged with respect to a portion of the article for the reason that the statements on the respective cans, "Contents 10 Ounces Exclusive Of Liquid" and "Contents 8 Ounces Oysters," were false and misleading and deceived and misled the purchaser.

On January 24, 1923, the Sea Food Co. and the Star Packing Co. having appeared as claimants for respective portions of the property, and having admitted the material allegations in 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 respective claimants on payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

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

11339. Misbranding and alleged adulteration of canned clams. U. S. v. 744 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17092. I. S. Nos. 8303-v, 8305-v. S. No. W-1265.)

On December 28, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 744 cases of canned clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mountain Point Packing Co., from Petersburg, Alaska, December 2, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Golden Shore Brand Whole Clams Net Contents Not Less Than 15 Ounces Clams and Clam Nectar Packed In Alaska By Mountain Point Packing Co. Petersburg, Alaska."