

11838. Adulteration of canned sardines. U. S. v. 598 Cases, et al., of Sardines. Consent decree ordering release of product under bond to be culled and repacked. (F. & D. No. 17730. I. S. Nos. 2246-v, 2247-v, 2249-v. S. No. E-4471.)

On August 17, 1923, 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 praying the seizure and condemnation of 846 cases of sardines at Pittsburgh, Pa., alleging that the article had been shipped by the Columbian Canning Co., from St. Andrews, New Brunswick, Canada, on or about July 31, 1923, and transported from a foreign country into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously, in part: "Vender Brand American Sardines In Cottonseed Oil Packed By Columbian Canning Co. Lubec * * * Me.;" "Champion Brand American Sardines * * * Columbian Canning Co. * * * Lubec, Maine;" "Columbian * * * Packed At Lubec Washington Co. Me. By Columbian Canning Co."

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

On August 18, 1923, the Columbian Canning Co., Lubec, Me., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered ordering 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 \$1,500, in conformity with section 10 of the act, conditioned in part that it be culled and repacked.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11839. Adulteration of shell eggs. U. S. v. 16 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17754. I. S. No. 7026-v. S. No. C-4085.)

On August 2, 1923, 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 praying the seizure and condemnation of 16 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Bellman Produce Co., from Yankton, S. Dak., July 25, 1923, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On September 8, 1923, A. F. Thibodeau Co., Chicago, Ill., 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 candled under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11840. Misbranding of Vitalitas. U. S. v. 106 Cases of Vitalitas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5890. S. No. C-69a.)

On August 28, 1914, the United States attorney for the Eastern District of Louisiana, 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 106 cases of Vitalitas, consigned from Houston, Tex., remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Vital Remedies Co., on or about August 4, 1914, and transported from the State of Texas into the State of Louisiana, 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 of approximately 97½ per cent of water, approximately 2½ per cent of iron sulphate and aluminum sulphate, and traces of other mineral salts.

Misbranding of the article was alleged in the libel for the reason that the product was contained in bottles, which bottles were encased in paper cartons, each of which cartons contained a booklet, which said booklet contained the following statements regarding the said article, "We believe that this mysterious, science-defying Force in Vitalitas can be nothing else than Radio-Activity," which statements were false and misleading in that the said product possessed no radioactivity. Misbranding was alleged for the further reason that the said bottles, cartons, and booklets bore statements regarding the curative and therapeutic effect of the said article, as follows, (bottle) "A Family remedy for Rheumatism, Indigestion, Dyspepsia, Malaria, Billiousness, Eczema, Tetters * * * Catarrh, Leucorrhœa, Running Sores, Nose Bleeding * * * Gall Stones, Weak Kidneys, Bladder Troubles, Bowel Troubles * * * Bleeding Piles, Sore Throat * * * Dysentery and General Debility," (carton) "For Rheumatism, Indigestion, Malaria, Catarrh, Eczema, Etc., etc. * * * Its Unfailing Healing and Curative Properties were known and used by the Indian tribes long before the coming of the first white settlers. Taken into the human body, it arouses and stimulates a flow of Vital Energy which overcomes weakness, debility and sickness by eliminating Toxic Poisons, excessive Uric Acid and other impurities from Your System, thereby Re-Animating and Re-Generating your body, eventually producing the thrill of Vibrant Vitality, Dynamic Energy and sparkling Health. You Cannot Remain Sick If You Use Vitalitas. * * * Vitalitas To Make Red, Rich Blood, Energy And Health," (booklet) "Vitalitas is the pure liquid extract of a natural deposit of a highly energized earth-substance, which either generates or stimulates the proper flow of vital force in the human body. * * * We know its marvelous Curative and Healing Virtues * * * we wanted to see what diseases it actually would heal; and we put it to that test; and it healed Rheumatism, Indigestion, Malaria, Tonsillitis, Eczema, Catarrh, Tetters, Running Sores, Torpid Liver, Stomach and Bowel Troubles, Leucorrhœa, Bleeding Piles, etc. * * * By its use man is enabled to prolong and enjoy life * * * the purpose of Vitalitas is to Heal and Cure. The active principle and direct effect of Vitalitas on your system is positively constructive, it being a natural builder, re-generator and re-animator—a creator of new life, giving energy, or vital force. * * * It is the function of Vitalitas to create or to stimulate this Vital Force and thus to bring the human body back to healthy conditions. It is just as natural for Vitalitas to heal and eliminate weakness and sickness from the human system as it is for coal to burn, or water to moisten, or oil to lubricate, or food to strengthen. * * * Vitalitas is taken into the human body, the energy stored in its atoms is given off as vital force, which produces energy, vitality and health. * * * Vitalitas establishes a normal balance and restores harmony between the organs of your body, causing them to secrete and function properly, developing the proper flow of health-giving juices, assisting in throwing off and eliminating toxic poisons, and removing diseased conditions by removing the cause. 'I have just completed taking six bottles of Vitalitas and I consider myself entirely cured of symptoms of tuberculosis.' 'My trouble had been diagnosed most everything, including consumption. I was partially paralyzed; had a stomach that for years had been no good, and was run down and weakened all over. Could hardly raise a hand to my head. I heard of Vitalitas and thought it worth the trial. You could not pile money enough before me to buy the good that it has done me. I am now a different man. My stomach is as good as any man's. I have gained in weight and my color is good, and I have better use of myself than I have had in years. Vitalitas is a blessing to humanity.' 'For twenty-five years I was troubled with sciatica and muscular rheumatism, and now I am free of it. One bottle of Vitalitas has apparently cured me. I feel so much better in every way. My wife is now taking it for her general health. No money could buy the good Vitalitas has done me.' Dropsy, Hardness of Liver, Kidney and Bowel Troubles 'July 10, 1912, the doctors tapped me the first time; they kept tapping me then at intervals until May 30, last. In all I was tapped seven times, and each time three gallons of fluid was removed. My waist measure was 22, but I would swell up to 39. I was dying with dropsy. Physicians had marked off on my bare skin the part of my liver they said was hard. For nine months I suffered agonies. I could hardly stand it when I would swell up to 39. I had scarcely any kidney movement or bowel action. My appearance was frightful. After the last tapping they did not think I could live until time for another. On the day following the last tapping I sent for some Vitalitas. In three

days my kidneys began to work, and a day later I had a good bowel action. I then went in for Vitalitas for all it was worth. After ten days I was able to go to my place of business. People everywhere would stop me and say, "Why, you have come back to life." My dropsy has entirely disappeared. I am now a well man. I have color in my cheeks. Vitalitas is wonderful.' The effects of Vitalitas on weak kidneys is immediate and beneficial. * * * Vitalitas will be found speedily effective for Lucorrhoea and other female complaints," which statements were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On February 10, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11841. Misbranding of olive oil. U. S. v. 67 Quarter-Gallon Cans and 22 Half-Gallon Cans of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15540. I. S. Nos. 11165-t, 11166-t. S. No. W-1023.)

On November 15, 1921, the United States attorney for the District of Colorado, 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 67 quarter-gallon cans and 22 half-gallon cans of olive oil, remaining unsold in the original unbroken packages at Pueblo, Colo., consigned by Deligiannis Bros., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about July 27 and 28, 1921, respectively, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Prodotti Italiani Olio di Oliva Pure Olive Oil Sopraffino * * * Italia Brand * * * Lucca Toscana * * * Net Conts. $\frac{1}{4}$ Gall." (or "Net Contents $\frac{1}{2}$ Gall.").

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Conts. $\frac{1}{4}$ Gall.," appearing on each of the said quarter-gallon cans, and the statement, to wit, "Net Contents $\frac{1}{2}$ Gall.," appearing on each of the said half-gallon cans, were false and misleading and deceived and misled the purchaser in that the net contents of the said cans was less than one-quarter gallon and one-half gallon, respectively. 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 May 26, 1923, James Liapes, Pueblo, Colo., 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 \$300, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11842. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases, et al., of Oysters. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16662, 16728. I. S. Nos. 6602-v, 6607-v. S. Nos. C-3725, C-3762.)

On July 25 and August 10, 1922, respectively, the United States attorney for the Eastern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 157 cases of canned oysters, consigned by the Hilton Head Packing Co., Savannah, Ga., remaining unsold in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped from Savannah, Ga., in part on or about February 28 and in part April 8, 1922, and transported from the State of Georgia into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Shipping case) "Hilton Head Brand Oysters Packed By Hilton Head Packing Company, Savannah, Georgia;" (can) "Fox Brand * * * Contents 5 Oz. Avd. * * * Cove Oysters," (imprinted on end of can) "5 Ounces Oysters." The remainder of the article was labeled in part: (Can) "Stag Brand * * * Cove Oysters Net Weight 5 Oz."