

1922, respectively, and transported from the State of Delaware into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Morning Star Sugar Corn * * * Distributed By G. H. Baker, Middletown, Del."

Adulteration of the article was alleged in the libels for the reason that scrapings from corncocks had been mixed and packed with and substituted wholly or in part for corn.

Misbranding of the article was alleged in substance in the libels for the reason that each of the said cans had a design thereon showing whole ears of corn, which said design was false and misleading and was intended to deceive and did deceive and mislead the purchaser. It was further alleged that the cans containing a portion of the article were misbranded as containing "Sugar Corn" and that said brand was false, misleading, and deceptive in that it was a brand distinct and separate from the true character and nature of the said article.

On or about September 1, 1923, G. H. Baker, Middletown, Del., having applied for possession of the property for the purpose of relabeling it and having paid the costs of the proceedings and executed a good and sufficient bond, in conformity with section 10 of the act, and it having appeared to the court that the product was misbranded, it was ordered by the court that the said product be condemned and released to the claimant thereof.

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

11848. Adulteration and misbranding of canned clams. U. S. v. 202 Cases and 94 Cases of Canned Clams. Consent decrees of condemnation and forfeiture. Product released under bond, to be relabeled. (F. & D. Nos. 17550, 17552. I. S. Nos. 434-v, 438-v. S. Nos. E-4398, E-4405.)

On June 4, 1923, the United States attorney for the Southern District of New York, 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 296 cases of canned clams, remaining unsold in the original unbroken packages at New York, N. Y., consigned by J. H. Doxsee & Sons, Key West, Fla., alleging that the article had been shipped from Key West, Fla., on or about April 24, 1923, and transported from the State of Florida into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Neptune Large — Tender — Juicy * * * Steamed Quahaug Clams Contents 10 Oz. Clam Meat, 10 Oz. Clam Juice Packed By J. H. Doxsee & Sons Sales Office 299 Broadway, New York." The remainder of the said article was labeled in part: "Minced Clams Little Neck * * * J. H. Doxsee & Sons * * * Contents 10 Ounces Of Clam Meat, 10 Ounces Of Clam Juice."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive brine, had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the statements, "Minced Clams * * * For Clam Fritters, Chowder, Soups, Etc. * * * Contents 10 Ounces Of Clam Meat, 10 Ounces Of Clam Juice," together with directions for the preparation of various clam dishes and a design showing whole clams, appearing in the labeling of a portion of the article, and the statements, "Clams Contents 10 Oz. Clam Meat, 10 Oz. Clam Juice * * * For Making Clams On Toast Clam Stew Clam Patties Broiled Clams Clam Pie Clam Chowder Clam Fry," together with a design showing clams, appearing in the labeling of the remainder of the said article, were false and misleading and deceived and misled the purchaser. 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 September 7, 1923, Fred Fear, of New York, N. Y., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Slack Filled. Contains 8 Ozs. drained minced clam meat. A can of this size should contain 10 ozs. drained minced clam meat" or "Slack Filled. Contains 8 ozs. drained clam meat. A can of this size should contain

10 ozs. drained clam meat," as the case might be, such labeling to be attached so as to be clear and easily observed and to obliterate the objectionable statements.

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

11849. Adulteration of sardines. U. S. v. 100 Cases of Champion Brand American Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17710. I. S. No. 2801-v. S. No. E-4464.)

On August 16, 1923, the United States attorney for the Eastern 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 100 cases of Champion brand American sardines, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Flint & Co., Boston, Mass., alleging that the article had been shipped from Boston, Mass., on or about July 7, 1923, and transported from the State of Massachusetts into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Champion Brand American Sardines * * * Columbian Canning Co. Washington Co. Lubec, Maine."

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 animal substance.

On September 14, 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.*

11850. Misbranding of 999 nerve tonic. U. S. v. 33 Packages of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15412. S. No. C-3260.)

On October 5, 1921, the United States attorney for the Eastern District of Michigan, 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 33 packages of 999 nerve tonic at Detroit, Mich., alleging that the article had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., August 26, 1921, and transported from the State of Pennsylvania into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Nerve Tonic * * * The best possible remedy for nervous disorder and lost vitality, no matter from what cause."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of capsules containing phosphorus and extracts of nux vomica and damiana.

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

On August 17, 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.*