

seizure and condemnation of 2 cans, 5 pounds each, of cream yellow color, at Albany, N. Y., alleging that the article had been shipped by the Favorite Manufacturing Co., Philadelphia, Pa., on or about November 28, 1922, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "#4345 Certified Cream Yellow Color Prepared by Favorite Manufacturing Co. * * * Philadelphia, Pa. * * * 5 lbs."

Adulteration of the article was alleged in the libel for the reason that a substance, salt, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements appearing in the labeling, "#4345 Certified Cream Yellow Color Prepared by Favorite Manufacturing Co." were false and misleading, and for the further reason that the article was wrongfully and unlawfully misbranded for the purpose of deceiving and misleading purchasers and of making them believe that the said product was another and better product. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 25, 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.*

12281. Adulteration of tomato stock. U. S. v. 404 Cases of Tomato Stock. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18198. I. S. No. 199-v. S. No. E-4646.)

On December 24, 1923, 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 praying the seizure and condemnation of 404 cases of tomato stock, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Greenabaum Bros. (Inc.), from Seaford, Del., on or about October 19, 1923, and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Jubilee Brand Tomato Stock * * * Packed by Greenabaum Bros.; Inc., Seaford, Sussex County, Del."

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

On April 28, 1924, 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.*

12282. Misbranding of Foley kidney pills. U. S. v. 21 Dozen Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18055. I. S. No. 19313-v. S. No. C-4183.)

On or about November 15, 1923, the United States attorney for the Western District of Tennessee, 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 21 dozen small-size bottles of Foley Kidney Pills, at Memphis, Tenn., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., in part on or about March 21, 1923, and in part on or about August 28, 1923, and transported from the State of Illinois into the State of Tennessee, 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 contained potassium nitrate, methylene blue, hexamethylene tetramine, and plant material, including resin and juniper oil.

It was alleged in substance in the libel that the article was labeled as follows, (bottle and carton) "Kidney Pills For Irritation of Kidneys and Bladder, and for Backache and Rheumatism due to Kidney Disorders," (circular) "Kidneys * * * weakened * * * disease * * * inflamed and congested * * * In addition to Taking Foley Kidney Pills, we offer a few simple,