

U. S. A." The cottonseed oil was labeled in part: (Can) "Liberty Brand * * * Oil * * * Net Contents 1 Gallon" (or "Net Contents ½ Gallon") "Lekas & Drivas New York."

Misbranding of the articles was alleged in the libels for the reason that the statements on the labels of the respective-sized cans, "Net Contents 1 Gallon," "Net Contents ½ Gallon," "Net Contents ½ Gall., were false and misleading in that the net contents of the said cans was not one-half gallon or 1 gallon, as the case might be. Misbranding was alleged for the further reason that the articles were [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 3, 1924, Lekas & Drivas, New York, N. Y., having appeared as claimants for the property, judgments of the court were entered, finding that the products were misbranded and ordering that they be released to the said claimants to be relabeled upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$500, in conformity with section 10 of the act.

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

12386. Misbranding of butter. U. S. v. Charles C. Martin (Martin Bros. & Co.). Plea of guilty. Fine, \$150 and costs. (F. & D. No. 17144. I. S. No. 14306-t.)

On April 6, 1923, 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 an information against Charles C. Martin, trading as Martin Bros. & Co., Denver, Colo., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about May 17, 1922, from the State of Colorado into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "Blue Hill Brand Butter 1 Pound."

Examination, by the Bureau of Chemistry of this department, of 30 packages from the consignment showed that the average net weight of the said packages was 15.59 ounces.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "1 Pound," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of said packages contained 1 pound of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound of the article but did contain a less amount. 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 March 8, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150 and costs.

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

12387. Misbranding of Lung Vita. U. S. v. Nashville Medicine Co., a Corporation. Plea of nolo contendere. Fine, \$5 and costs. (F. & D. No. 8208. I. S. Nos. 11647-l, 11944-m.)

On July 13, 1917, the United States attorney for the Middle District of Tennessee, 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 Nashville Medicine Co., a corporation, Nashville, Tenn., alleging shipment by said company in violation of the food and drugs act as amended, on or about March 24, 1916, from the State of Tennessee into the State of Alabama, and on or about September 1, 1916, from the State of Tennessee into the State of Arkansas, of quantities of Lung Vita, which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a partially emulsified mixture of kerosene, linseed and olive oils, glycerin, sugar, a trace of benzoic acid, small amounts of plant material, alcohol, and water.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding its curative and therapeutic effects, appearing in the labels, falsely and fraudulently represented the said article to be a remedy for consumption and bronchial asthma and effective as a treatment for consumption and bronchial asthma when, in truth and

in fact, it contained no ingredients or medicinal agents effective to produce the effects claimed.

On February 1, 1924, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

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

12388. Adulteration of tomato catsup. U. S. v. 12 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16763. I. S. No. 1502-v. S. No. E-4135.)

On August 25, 1922, the United States attorney for the District of Rhode Island, 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 12 cases of tomato catsup remaining in the original unbroken packages at Providence, R. I., consigned by the S. J. Van Lill Co., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about July 17, 1922, and transported from the State of Maryland into the State of Rhode Island, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Astoria Brand Tomato Catsup * * * S. J. Van Lill Co. Packers Baltimore, Md."

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 May 23, 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.*

12389. Misbranding of Nervtone tablets. U. S. v. 10 Boxes of Nervtone Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16054. S. No. E-3783.)

On February 21, 1922, the United States attorney for the District of Rhode Island, 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 10 boxes of Nervtone tablets remaining in the original unbroken packages at Manville, R. I., consigned by A. F. Schambier, Manchester, N. H., alleging that the article had been shipped from Manchester, N. H., on or about June 18, 1921, and transported from the State of New Hampshire into the State of Rhode Island, 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 Nervtone tablets no. 1 contained approximately 1/60 grain of mercuric chlorid, 1/120 grain of strychnine sulphate, 1/100 grain of arsenic trioxid, and 3 grains of iron sulphate each, together with aloes and cascara sagrada extract; and that Nervtone tablets no. 2 contained approximately 1/120 grain of strychnine sulphate, together with cascara and belladonna extracts and aloes.

Misbranding of the article was alleged in substance in the libel for the reason that the labels contained the following statements, (carton) "(English) Nervtone Tablets 100 No. 1 * * * Tablets 30 No. 2 For Liver or Kidney Troubles Recommended for Dyspepsia, Rheumatism, Indigestion, Nervous Trouble, Diminution of the ordinary vigor of the body and mind through overwork, mental worry and all female complaints * * * (French) Recommended for Dyspepsia, Rheumatism, Indigestion, Nervousness, Exhaustion through work, Loss of Sleep, Pains in the side or back, Exhausted Vitality resulting from any cause whatsoever, and all diseases peculiar to women * * * (English) Nervtone (No. 2) Tablets Useful in * * * Defective Elimination, Liver and Kidney Troubles * * * (French) * * * indispensable against * * * diseases of the liver and kidneys," (leaflet, English and French) "Nervtone Tablets No. 2 * * * for * * * Liver and Kidney troubles, Bilious Affections (les Systèmes Bilieux) and Digestive Disorder (la Mauvaise Digestion en général). * * * Serious diseases, such as dyspepsia, gall stones, appendicitis, etc., soon make their presence felt if the stomach and bowels do not work properly * * * for the speedy relief of * * * the worst forms of digestive troubles * * * relieve the stomach by doing a share of its work * * * Take also NERV-TONE TABLETS No. 1 for Indigestion, Nervousness, Rheumatism, etc.," which were false and