

Misbranding of the article was alleged in the libel for the reason that the statement "98 Lbs. When Packed," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and 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 July 16, 1924, H. L. Dalton, Oakland, Calif., claimant, having admitted the allegations of the libel and 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 \$1,000, in conformity with section 10 of the act, conditioned in part that the weight of the contents of the sacks be altered, under the supervision of this department, to conform with the law.

HOWARD M. GORE, *Secretary of Agriculture.*

**12769. Adulteration of tomato catsup. U. S. v. 24 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18289. I. S. No. 12452-v. S. No. C-4275.)

On February 7, 1924, the United States attorney for the Southern District of Ohio, 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 24 cases of tomato catsup, remaining in the original unbroken packages at Columbus, Ohio, consigned November 24, 1923, alleging that the article had been shipped by the Brooks Tomato Products Co., Shirley, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jug) "M'fg. By Brooks Tomato Products Co., Collinsville, Ill."

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

On October 13, 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, *Secretary of Agriculture.*

**12770. Misbranding of D-O-D. U. S. v. 72 Packages of D-O-D. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17487. I. S. No. 4522-v. S. No. C-3972.)

On May 5, 1923, the United States attorney for the Southern District of Ohio, 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 72 packages of D-O-D, remaining in the original unbroken packages at Columbus, Ohio, consigned March 29, 1923, alleging that the article had been shipped by R. Burbach, West Allis, Wis., and transported from the State of Wisconsin into the State of Ohio, 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 93 per cent sodium bicarbonate, 6 per cent potassium permanganate, 0.3 per cent magnesium sulphate, and small quantities of carbon and oxides of manganese.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling, (label and carton) "Guaranteed when used according to directions to relieve any disease caused by poison or Bacteria or money refunded," (label) "D-O-D \* \* \* invaluable in treating a great many different kinds of diseases. It Kills All Poison in the human system," (carton) "Gangrene \* \* \* Eczema \* \* \* Rashes and other Skin Diseases; \* \* \* Dyspepsia Dysentery Cholera Morbus Indigestion Colic Pyorrhea \* \* \* Colds Sore Throat Bronchitis Catarrh Hay Fever Grippe Influenza, etc.," (circular) "a remedy has been discovered that will kill poison and bacteria in the human system wherever it can be reached, regardless of the disease—and that remedy is D-O-D \* \* \* provides permanent relief to sufferers from every disease that is caused by poison \* \* \* most all diseases are caused by poison in the human system, \* \* \* taken internally will kill the poison in the stomach and bowels which is responsible for \* \* \* Dyspepsia, Dysentery, \* \* \* Cholera Morbus, Ulcers, Ptomaine Poison and many other kindred ailments \* \* \* Gangrene \* \* \* Eczema, Piles, \* \* \* Rashes, \* \* \* and other skin

diseases. \* \* \* D-O-D when brought to steam or vapor and inhaled will kill the bacteria and poison in the nasal ducts, throat, bronchial tubes, and lungs, thereby giving almost immediate relief from Colds, Sore Throat, Bronchitis, Catarrh, Hay Fever, Grippe, Headache and Influenza. By killing the poison which causes these diseases, nature will quickly restore the affected parts to normal strength. \* \* \* Diabetes \* \* \* Shingles \* \* \* Barbers Itch \* \* \* Dandruff \* \* \* Asthma \* \* \* continue until recovery is complete. \* \* \* heal all kinds of skin diseases \* \* \* diabetic gangrene \* \* \* stomach troubles," were false and fraudulent, in that by reason of the said statements the article purported to be a cure for the said diseases, disorders, and symptoms, whereas it contained no ingredients capable of producing the curative and therapeutic effects claimed.

On July 15, 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, *Secretary of Agriculture*

**12771. Adulteration and misbranding of prepared mustard. U. S. v. 63 Barrels of Prepared Mustard. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18595. I. S. No. 15092-v. S. No. E-4805.)**

On April 18, 1924, the United States attorney for the District of Maryland, 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 63 barrels of prepared mustard, remaining in the original unbroken packages at Baltimore, Md., consigned March 25, 1924, alleging that the article had been shipped by J. P. Smith & Co., from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Barrel) "48 Gallon Prepared Mustard Compound Mustard Seed Mustard Bran, Turmeric Spices Salt & Vinegar."

Adulteration of the article was alleged in the libel in that a substance, added mustard bran, mixed and colored in a manner whereby damage or inferiority was concealed, had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Prepared Mustard," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On May 8, 1924, Helwig & Leitch, Baltimore, Md., having appeared as claimant for the property, judgment of condemnation 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 \$900, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its content of mustard bran.

HOWARD M. GORE, *Secretary of Agriculture.*

**12772. Adulteration of coal-tar color. U. S. v. 102 Pounds of Coal Tar. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14815. I. S. Nos. 4493-t, 4494-t. S. No. C-2981.)**

On April 23, 1921, the United States attorney for the Eastern District of Texas, 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 102 pounds of coal-tar color, at Tyler, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., September 14, 1920, and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "W. B. Wood Mfg. Co., St. Louis, Mo. Complies With All Requirements Quality Color Warranted \* \* \* Number 10 Contents Red" (or "Number 1010 Contents Purple").

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it contained an added poisonous or deleterious ingredient, arsenic, which might render such article injurious to health.