

12792. Adulteration of canned salmon. U. S. v. 1,000 Cases of Salmon. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 15628. I. S. No. 4253-t. S. No. C-3329.)

On November 22, 1921, the United States attorney for the Eastern 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 1,000 cases of salmon at Morristown, Tenn., alleging that the article had been shipped during the month of October, 1921, from Vancouver, British Columbia, by W. R. Beatty & Co., and transported from a foreign country into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Kay-Square Brand Select Pink Salmon Kenai Packing Co., Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in large part, if not wholly, of a filthy, decomposed, and putrid animal substance.

On December 20, 1923, J. F. Goodson & Co. having appeared as claimant for the property, 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 \$5,000, in conformity with section 10 of the act, conditioned in part that the product be reconditioned by actual recanning, and that the bad portion be destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12793. Misbranding of Smith's buchu lithia pills. U. S. v. 6 Dozen Boxes of Smith's Buchu Lithia Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17903. S. No. E-4553.)

On November 5, 1923, 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 6 dozen boxes of Smith's buchu lithia pills, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by W. F. Smith, from Boston, Mass., on or about October 29, 1923, and transported from the State of Massachusetts into the State of Maryland, 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 product was an iron-oxide-coated pill containing powdered licorice, extracts of plant drugs, including uva ursi and podophyllum, sodium, potassium, lithium, and magnesium compounds, including nitrate and citrate, and soap.

Misbranding of the article was alleged in the libel for the reason that the following statements, borne on the box containing the said article and in the accompanying circular, regarding the curative and therapeutic effects of the article, (box and circular) "For Rheumatism And All Diseases Of The Kidneys, Blood And Urinary Organs. Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Gravel, Stone in the Bladder, Pain in Back, Lumbago, etc., Sleeplessness, Nervousness, Female Complaints and Irregularities And all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent," (circular) "a specific for Rheumatism and all diseases of the Kidneys and Bladder. * * * by removing the cause, * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia, * * * and a long train of diseases. * * * They cure rheumatism, because they cure the kidneys * * *," (testimonials) "permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble, * * * sure cure for kidney trouble. * * * the best remedy for weak kidneys * * * recommend them to any one with suppression or stoppage of urine. For Backache, Inflammation of the Kidneys, * * * Bladder, * * * Dropsy, Whites or Leucorrhoea * * * Loss of Sleep, Lost Vitality, Painful Menstruation, * * * Catarrh of the Bladder Incontinence of Urine or Inability to Hold Water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood. * * * permanent cures will certainly be the result. * * * If your case is chronic continue their use * * * they will cure any case," were false

and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 8, 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*.

12794. Adulteration and misbranding of cottonseed meal. U. S. v. 150 Sacks of Cottonseed Meal. Decree entered ordering product released under bond to be relabeled. (F. & D. No. 18152. I. S. No. 10590-v. S. No. E-4604.)

On or about December 11, 1923, 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 150 sacks of cottonseed meal, remaining in the original unbroken packages at Hurlock, Md., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Elizabeth City, N. C., on or about October 31, 1923, and transported from the State of North Carolina into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and high in crude fiber had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole and in part for the said article.

Misbranding was alleged for the reason that the statements, "Guaranteed Analysis Protein (minimum) 43.00% Ammonia (minimum) 8.37% Crude Fibre (maximum) 10.00%," borne on the label attached to each of the sacks containing the article, were false and misleading and deceived and misled the purchaser in that the said statements represented to purchasers that the article contained not less than 43 per cent of protein, not less than 8.37 per cent of ammonia, and not more than 10 per cent of crude fiber, whereas the said article did contain less than 43 per cent of protein, less than 8.37 per cent of ammonia, and more than 10 per cent of crude fiber. Misbranding was alleged for the further reason that it was offered for sale under the distinctive name of another article, to wit, cottonseed meal, whereas it was not cottonseed meal but was a product deficient in protein and containing an excessive amount of crude fiber.

On October 17, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, 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 \$800, in conformity with section 10 of the act, conditioned in part that it be relabeled.

HOWARD M. GORE, *Secretary of Agriculture*.

12795. Misbranding of butter. U. S. v. Charles T. Myers (Alamosa Creamery Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 18102. I. S. Nos. 11390-v, 11396-v.)

On June 20, 1924, 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 T. Myers, trading as Alamosa Creamery Co., Alamosa, Colo., alleging shipment by said defendant, in violation of the food and drugs act as amended, in two consignments, namely, on or about April 2 and April 5, 1923, respectively, from the State of Colorado into the State of New Mexico, of quantities of butter which was misbranded. The article was labeled in part: (Package) "1 Pound Manufactured By Alamosa Creamery Company Alamosa—Colorado * * * Net Weight 16 Ounces Golden Purity Butter."

Analysis by the Bureau of Chemistry of this department of 30 packages from each of the consignments showed that the average net weight of each lot was 15.2 ounces.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "1 Pound" and "Net Weight 16 Ounces," borne on the packages containing the article, were false and misleading, in that the said statements represented that the packages contained 1 pound of the article, and contained 16 ounces of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief