

field Brand * * * Red Pitted Sour Cherries Packed By The Westfield Fruit Products Co. Inc. Westfield, N. Y."

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 July 22, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13623. Misbranding of canned shrimp. U. S. v. 41 Cases of Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19972. I. S. No. 14911-v. S. No. C-4701.)

On April 6, 1925, the United States attorney for the Eastern District of Missouri, 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 41 cases of shrimp, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Martin Fountain Packing Co., Biloxi, Miss., on or about February 12, 1925, and transported from the State of Mississippi into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Dry Shrimp Contents 5-3/4 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement "Contents 5-3/4 Oz.," borne on the labels, 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 27, 1925, the Haas-Lieber Grocery Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department, upon the execution of a good and sufficient bond in conformity with section 10 of the act, and it was further ordered that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13624. Adulteration of canned salmon. U. S. v. Alaska Consolidated Canneries. Plea of guilty. Fine, \$100. (F. & D. No. 18573. I. S. Nos. 11494-v, 12053-v.)

On June 17, 1924, the United States attorney for the Western District of Washington, 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 Alaska Consolidated Canneries, a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about March 25 and July 20, 1923, respectively, from the Territory of Alaska to the State of Washington, of quantities of canned salmon which was adulterated. One consignment of the article was labeled in part: (Can) "Tryet Brand Pink Salmon * * * Packed In Alaska by Southern Alaska Canning Co., Main Office Seattle, Wash." The other consignment of the said article was labeled in part: (Can) "Blue Funnell Brand Pink Salmon."

Examination by the Bureau of Chemistry of this department of 96 cans of the Tryet brand showed that 29 cans, or 30.2 per cent, contained decomposed salmon. Examination of 144 cans of the Blue Funnell brand showed that 65 cans, or 45.1 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13625. Misbranding of Vita Rica tonic pills and laxative. U. S. v. 9 Bottles, et al., of Vita Rica Tonic Pills and Laxative. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 19061, 19062, 19063. I. S. Nos. 3554-v, 3555-v, 3556-v. S. No. E-4978.)

On October 14, 1924, the United States attorney for the District of Porto Rico, 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 con-

demnation of 87 bottles of Vita Rica tonic pills and laxative, at San Juan, P. R., alleging that the article had been shipped by the Vita Rica Pharmacal Co., New York, N. Y., on or about September 5, 1924, and that it was being offered for sale and sold in the Territory of Porto Rico, 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 compounds of iron, potassium, manganese, mercury, arsenic, zinc, phosphorus, and strychnine.

Misbranding of the article was alleged in the libel for the reason that the following statements, appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, English) "Vita-Rica * * * Reconstructive * * * Laxative * * * Recommended For * * * General Debility, Nervous Dyspepsia, Impotence, Senile Debility, Etc.," (Spanish and French) "Vita-Rica * * * Reconstructive and Laxative A Builder," (carton, English) "Vita Rica * * * Laxative * * * Blood Purifier, Builder Recommended in * * * Nervous Debility, Neurasthenia, Leucorrhea And Impotence," (similar statements in Spanish) (circular, English) "Vita-Rica Means New Life * * * Laxative A blood purifier, builder * * * Recommended For General Debility, Nervous Dyspepsia, Impotence, Leucorrhea, Neurasthenia, Senile debility, Etc. * * * laxative and antiseptic action on the intestines * * * stimulate the nutritive function of the body as well as of the blood-making organs thus rapidly increasing the * * * quantity of the blood and nutrition of glands, nervous muscles, brain, etc. * * * being also the eliminant, it decreases the tendency to auto-toxemia," (similar statements in Spanish).

On November 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13626. Adulteration and misbranding of assorted preserves. U. S. v. 512 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20009. I. S. Nos. 24036-v to 24041-v, incl. S. No. C-4702.)

On or about April 17, 1925, the United States attorney for the Eastern District of Wisconsin, 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 512 cases of assorted preserves, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Eigelberner Food Products Co., from Chicago, Ill., on or about February 17, 1925, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled: (Jar) "Silver Buckle Brand Net Weight 12 Ozs. Plum" (or "Peach" or "Raspberry" or "Loganberry" or "Strawberry" or "Blackberry") "Pure Preserves."

Adulteration of the plum, peach, loganberry, and strawberry preserves was alleged in the libel for the reason that a product deficient in fruit and containing excessive sugar and added tartaric acid had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration of the raspberry and blackberry preserves was alleged for the reason that a product deficient in fruit and containing excessive sugar, added tartaric acid, and loganberries had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designations "Pure Preserves Plum" or "Peach," "Raspberry," "Loganberry," "Strawberry," or "Blackberry," as the case might be, and "Net Weight 12 Ozs.," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 12, 1925, the Eigelberner Food Products Co., Chicago, Ill., 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