

mercial warranties; that the defendant company procured from the Fraser Tablet Co. a guarantee under the pure food & drugs act, the validity of which was questioned because the guarantee was not delivered until after some of the merchandise had been shipped in interstate commerce, although it was procured before the filing of the information. The good faith of the jobber was not involved in this proceeding."

The court thereupon imposed a fine of \$150 against the defendant company.

W. M. JARDINE, *Secretary of Agriculture.*

14692. Adulteration of scallops. U. S. v. Speridon Stamates (Potomac Fish & Oyster Co.). Plea of guilty. Fine, \$20. (F. & D. No. 19785. I. S. No. 4900-x.)

On October 25, 1926, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Speridon Stamates, trading as the Potomac Fish & Oyster Co., Washington, D. C., alleging that on January 21, 1926, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of scallops which were adulterated.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be.

On October 25, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

14693. Adulteration of canned cherries. U. S. v. 15 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20758. I. S. No. 8503-x. S. No. C-5037.)

On January 9, 1926, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cases of canned cherries, at Lexington, Ky., consigned by the J. Salter Co., Manchester, N. Y., alleging that the article had been shipped in interstate commerce from Manchester, N. Y., into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Outlet Brand Red Sour Pitted Cherries Packed by The J. Salter Co., Manchester, 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, or putrid vegetable substance.

On October 26, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14694. Misbranding of Boro-Pheno-Form. U. S. v. 11 Dozen Retail Packages of Boro-Pheno-Form. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21261. I. S. No. 12439-x. S. No. C-5212.)

On September 3, 1926, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen packages of Boro-Pheno-Form, remaining unsold at Sioux City, Iowa, alleging that the article had been shipped by the Dr. Pierre Chemical Co., from Chicago, Ill., on or about July 13, 1926, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of suppositories containing cocoa butter, quinine sulphate, zinc sulphate, boric acid, and traces of formaldehyde and phenol.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Package label, wrapper and booklet) "antiseptic," (booklet) "Beauty, health and strength * * * Healing and Invigorating Influence.