

and condemnation of 21 packages of 999 Nerve Tonic at Memphis, Tenn., alleging that the article had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., on or about November 28, 1927, and transported from the State of Pennsylvania into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Packages) "999 Nerve Tonic;" (box) "Nerve Tonic. The Ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders;" (display carton) "999 Nerve Tonic Means Pep Vim Vigor 999 Nerve Tonic is a high class remedy for anyone with that tired, rundown feeling. It is especially suited for those cases, where the person doesn't have the pep they think they should have."

Analysis of a sample by this department showed that the article consisted of capsules containing zinc phosphide, calcium sulphate, and extracts of nuxvomica and damiana.

It was alleged in the libel that the article was misbranded in that the statements regarding the curative or therapeutic effects of the said article were false and fraudulent, as it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 24, 1928, 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.*

**15685. Adulteration and misbranding of tomato paste. U. S. v. 295 Cases of Tomato Paste. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22631. I. S. No. 23421-x. S. No. 664.)**

On March 10, 1928, the United States attorney for the Eastern District of Louisiana, 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 295 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by La Sierra Heights Canning Co., Los Angeles, Calif., in part on or about December 16, 1927, and in part on or about December 29, 1927, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Naples Style Tomato Paste with Sweet Basilico Giardiniera Brand \* \* \* Packed by La Sierra Canning Co., Arlington, Cal."

It was alleged in the libel that the article was adulterated in that an artificially colored tomato paste had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the designation "Tomato Paste" was false and misleading and deceived and misled the purchaser.

On March 14, 1928, La Sierra Heights Canning Co., Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$2,500, conditioned in part that it be relabeled "Artificially Colored," and not be used, sold, or disposed of without being inspected by a representative of this department.

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

**15686. Misbranding of olive oil. U. S. v. 24 Gallon Cans and 24 Half-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22501. I. S. No. 17473-x. S. No. 621.)**

On or about March 3, 1928, the United States attorney for the District of Oregon, 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 24 gallon cans and 24 half-gallon cans of olive oil, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by D. F. DeBernardi & Co., from San Francisco, Calif., on or about October 25, 1927, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs