

On July 28, 1927, the Northern Creamery Co., Great Falls, Mont., having appeared as claimant for the property 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 \$500, conditioned in part that it be made to conform with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16056. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23096. I. S. No. 03051. S. No. 1191.)

On September 21, 1928, the United States attorney for the Southern District of New York, 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 1 barrel of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Vilas & Co., from Storm Lake, Iowa, on or about September 8, 1928, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, in that it consisted in whole or in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 8, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16057. Adulteration and alleged misbranding of cocoa. U. S. v. 154 Barrels of Cocoa. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22796. I. S. No. 22557-x. S. No. 832.)

On May 24, 1928, the United States attorney for the Northern District of California, 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 154 barrels of cocoa, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce from Portland, Oreg., into the State of California, December 22, 1927, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "American Brand Pure Cocoa Powder E. & A. Opler, Inc. Chicago."

It was alleged in the libel that the article was adulterated in that a substance, cocoa shell, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Pure Cocoa Powder," borne on the label, was false and misleading and deceived and misled the purchaser.

On September 5, 1928, E. & A. Opler (Inc.), Chicago, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,540, conditioned in part that it be made to conform with the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16058. Adulteration of frozen poultry. U. S. v. 3 Barrels of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23016. I. S. No. 03006. S. No. 1069.)

On August 25, 1928, the United States attorney for the Southern District of New York, 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 3 barrels of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by T. Jensen & Sons, from Chanute, Kans., on or about August 3, 1928, and had been transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 12, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16059. Adulteration of butter. U. S. v. 12 Tubs of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 22909. I. S. No. 20997-x. S. No. 934.)

On or about July 2, 1928, the United States attorney for the District of Massachusetts, 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 12 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 20, 1928, alleging that the article had been shipped by the Patch Grove Creamery, Bridgeport, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On July 6, 1928, the Patch Grove Creamery, Patch Grove, Wis., 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 costs and the deposit of \$700 in lieu of bond, conditioned in part that it be reworked under the supervision of this department, so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16060. Misbranding of Clear-Tone. U. S. v. 17 Bottles of Clear-Tone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22995. S. No. 1042.)

On August 17, 1928, the United States attorney for the Southern District of New York, 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 17 bottles of Clear-Tone, remaining in the unbroken packages at New York, N. Y., alleging that the article had been shipped by the J. T. Kennedy Co., Kansas City, Mo., on or about May 10, 1928, and transported from the State of Missouri into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calomel and alum, with small amounts of potassium nitrate, camphor, and tannin, alcohol 42 per cent, and water.

It was alleged in the libel that the article was misbranded in that the following statements 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: (Carton) "Clear-Tone * * * Pimples, Acne, Eruptions on the face or body * * * Eczema. * * * stops Barbers Itch Immediately. Clear Your Skin. The Regular use of Clear-Tone as a toilet accessory will insure you a complexion free from blemishes and eruptions, and a healthy skin such as Nature intended you to have;" (label) "Clear-Tone * * * Pimples * * * Acne Eruptions on the face or body * * * Eczema;" (directions) "Use this treatment night and morning until the skin troubles disappear, then use it once a day for a while as a preventative;" (circular) "Clear-Tone * * * In various conditions of Skin Troubles * * * I want to have a plain talk with you on the subject of skin troubles and the use of the Clear-Tone Treatment * * *. Some forms of skin affections, especially those of a deep-seated and of a persistent and continuing nature that require positive and determined treatment for a sufficient length of time to accomplish results. If you have had skin troubles for six months or a year, or ten years, it is not reasonable to suppose