

It was alleged in the libel that the article was adulterated in that graham crackers sweetened with sugar and honey had been substituted for orange-flavored, honey-flavored graham crackers.

Misbranding of the article was alleged for the reason that the statements on the label, "Orange Flavored Honey Flavored Graham Crackers" and "2 Pounds Net Weight", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product 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 statement made was incorrect.

On February 21, 1934, the San Francisco Biscuit Co., San Francisco, Calif., 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 delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be made to conform with the provisions of the Federal Food and Drugs act under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22054. Adulteration of tullibeas. U. S. v. 146 Boxes, et al., of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29686. Sample nos. 26414-A to 26417-A.)

This case involved shipments of tullibeas that were found to be infested with parasitic worms.

On December 28, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 541 boxes of tullibeas at Baltimore, Md., alleging that the article had been shipped in interstate commerce between August 28, 1932, and November 3, 1932, by the Booth Fisheries Co., from Warroad, Minn., 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 whole or in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On August 4, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22055. Adulteration of canned shrimp. U. S. v. 567 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31287. Sample no. 45124-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On October 26, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 567 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 8, 1933, by the Golden Meadow Packing Co., from Golden Meadow, La., 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.

On March 28, 1934, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22056. Misbranding of black pepper. U. S. v. American Tea & Coffee Co. (American Ace Tea & Coffee Co., Inc., American Ace Coffee Co.). Plea of nolo contendere. Fine, \$10. (F. & D. no. 31334. Sample no. 26756-A.)

This case was based on an interstate shipment of pepper in packages that were not labeled to show the quantity of the contents.

On December 18, 1933, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Tea & Coffee Co., Nashville, Tenn., a corporation, trading as the American Ace Tea & Coffee Co., Inc., and

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

22001-22025

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 31, 1934]

22001. Misbranding of Sal-Tonik. U. S. v. Thirty-two 50-Pound Blocks of Sal-Tonik, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 23216 to 23219 incl. I.S. nos. 014127 to 014130 incl. Sample nos. 1221 to 1324, incl.)

This case involved various shipments of Sal-Tonik, the labels of which contained unwarranted curative and therapeutic claims.

On December 6, 1928, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one hundred and twenty-three 50-pound blocks of Sal-Tonik, in various lots at Tripp, Fedora, Parkston, and Kaylor, S.Dak., respectively, alleging that the article had been shipped in interstate commerce between the dates of April 7 and June 30, 1928, by the Guarantee Veterinary Co., from Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended. The labels of the article bore the same curative and therapeutic claims as the labels of the product covered by Notice of Judgment no. 16793.

Analysis of a sample of the article by this Department showed that it consisted essentially of 87.8 percent of sodium chloride, 4.2 percent calcium carbonate, and small proportions of sulphur, paraffin, an iron compound, and sulphates.

It was alleged in the libels that the article was misbranded in that certain statements regarding its curative and therapeutic effects, appearing on the labels, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 27, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22002. Adulteration and misbranding of Zepyrol. U. S. v. 44 Packages and 22 Packages of Zepyrol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31559. Sample nos. 56258-A, 56259-A.)

Examination of the drug product, Zepyrol, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article also showed that it was not an antiseptic and germicide, as claimed.

On November 15, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of forty-four 14-ounce packages and twenty-two 6-ounce packages of Zepyrol at Dallas, Tex., alleging that the article had been shipped in interstate commerce in part on or about June 8, 1933, from Chula Vista, Calif., and in part on or about October 9, 1933, from Los Angeles, Calif., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Zepyrol * * * Stearns-Hollinshead Co. Inc. Portland, Oregon."