

**6897. Misbranding of McDowell ginseng bitters. U. S. \* \* \* v. Douglas E. McDowell (McDowell Ginseng Garden). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 9359. I. S. No. 8933-p.)**

On January 15, 1919, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Douglas E. McDowell, trading as McDowell Ginseng Garden, Joplin, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 17, 1917, from the State of Missouri into the State of Kansas, of a quantity of an article labeled in part, "McDowell Ginseng Bitters."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a slightly acid solution of plant extract containing small quantities of glycerin and zinc salt.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it to be effective as a remedy, treatment, and cure for all stomach troubles, except cancer; and effective as a remedy, treatment, and cure for dyspepsia, gastritis, indigestion, and all other diseases of the stomach, all intestinal disorders, constipation, diarrhea, cholera infantum, and acute dysentery, congestion of the liver, and all similar diseases; all female disorders and as a general sexual tonic for men and women, when, in truth and in fact, it was not.

On June 9, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6898. Adulteration and misbranding of canned tomatoes. U. S. \* \* \* v. 999 Cases of Canned Tomatoes. Product ordered released on bond. (F. & D. No. 9368. I. S. No. 6660-r. S. No. C-979.)**

On September 28, 1918, 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 for the seizure and condemnation of 999 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about September 6, 1918, by the Sunbright Canning Co., Dickson, Tenn., and transported from the State of Tennessee into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Red Rose Brand Tomatoes."

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

Misbranding of the article was alleged for the reason that the statement on the label, to wit, "Tomatoes," was false and misleading in that it purported to be a product known as tomatoes, when, in truth and in fact, it contained tomatoes mixed with water, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, tomatoes.

On December 9, 1918, the said Sunbright Canning Co., claimant, having filed a claim, it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution