

by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8545. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 1,629 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11879. I. S. No. 14120-r. S. No. E-1921.)

On January 14, 1920, 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 for the seizure and condemnation of 1,629 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Manteca Canning Co., Manteca, Calif., September 10, 1919, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that tomato pulp 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.

Misbranding was alleged for the reason that the statement and design appearing on the label, to wit, "Anderson Brand Tomatoes * * * Anderson Quality Tomatoes," and the cut of a ripe, red tomato were false and misleading and deceived and misled the purchaser into the belief that the article consisted wholly of tomatoes, whereas it contained added tomato pulp. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, tomatoes.

On July 21, 1920, Charles A. Anderson & Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled by attaching to each panel of the label on each can below the word "Tomatoes" a paster or sticker containing the words "With Purée From Trimmings."

E. D. BALL, *Acting Secretary of Agriculture.*

8546. Misbranding of Avicol. U. S. * * * v. 8 Dozen Packages of Avicol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12275. I. S. No. 7346-r. S. No. C-1795.)

On March 4, 1920, the United States attorney for the Western District of Tennessee, 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 8 dozen packages of Avicol, at Memphis, Tenn., alleging that the article had been shipped by the Burrell-Dugger Co., Indianapolis, Ind., on or about June 24, and October 24, 1919, and transported from the State of Indiana into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "For the Cure & Prevention of all Infectious Diseases of Chickens, Pigeons & Turkeys White Diarrhoea, Cholera, Roup, Colds, Canker, Limberneck, Going Light, Black-Head, Etc. * * * For prevention of all diseases of poultry * * *;" (circular) "* * * to make poultry healthy and keep them healthy * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of tablets composed essentially of potassium bichromate, casein, sugar, starch, and talc.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the cartons and in the accompanying circulars, as aforesaid, regarding the curative and therapeutic effects thereof, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 4, 1920, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

8547. Adulteration and misbranding of tomatoes. U. S. * * * v. Frank M. Collins. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 12356. I. S. No. 15933-r.)

On September 27, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank M. Collins, Preston, Md., alleging shipment by said defendant, through his agents, W. M. Wright & Son, in violation of the Food and Drugs Act, on or about September 26, 1919, from the State of Maryland into the State of Pennsylvania, of a quantity of canned tomatoes which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

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

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," borne on the label attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomatoes, whereas, in truth and in fact, it consisted in part of added water.

On September 27, 1920, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

8548. Misbranding of Hobo Kidney and Bladder Remedy. U. S. * * * v. 69 Bottles of Hobo Kidney and Bladder Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12387. I. S. No. 9067-r. S. No. C-1920.)

On April 28, 1920, 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 69 bottles of Hobo Kidney and Bladder Remedy, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hobo Medicine Co., Shreveport, La., on or about February 19, 1920, and transported from the State of Louisiana into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous liquid containing plant extractives, potassium nitrate, and benzoic and salicylic acid or their salts.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the Food and Drugs Act, as amended, in that the following statements, regarding the curative and therapeutic effects thereof, were false and fraudulent: (Carton) " * * * Kidney and Bladder Remedy * * * Bright's Disease