10253. Misbranding of digester tankage. U. S. * * * v. 108 * * * Sacks of * * * Butler's Premium Digester Tankage. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 14836. I. S. No. 11572-t. S. No. C-2996.)

On April 29, 1921, the United States attorney for the District of Indiana, 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 108 sacks of Butler's Premium digester tankage, remaining unsold at Tipton, Ind., alleging that the article had been shipped by the Edward J. Butler Co., from Blue Island, Ill., on or about January 25, 1921, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Lbs. Butler's Premium Digester Tankage Guaranteed Analysis Protein 60 per cent * * * Edw. J. Butler & Co., Webster Bldg., Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, to wit, "Protein 60 per cent," was false and misleading and deceived and misled the purchaser.

On December 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that all marks, brands, and figures be removed and obliterated from the labeling of the product and that it be rebranded "Butler's Premium Digester Tankage Edward J. Butler Company, Webster Building, Chicago, Illinois," and sold by the United States marshal.

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

10254. Misbranding of American hog remedy. U. S. * * * v. 10 * * * Packages of * * * American Hog Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14851. I. S. No. 13506-t. S. No. C-3051.)

On May 11, 1921, the United States attorney for the District of Indiana, 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 10 packages of American hog remedy, remaining in the original unbroken packages at Martinsville, Ind., alleging that the article had been shipped by the American Remedy Co., Tiffin, Ohio, on or about August 29, 1918, and transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "* * * A Concentrated Remedy for Swine Recommended for Hog Cholera and Swine Plagues, Inflammatory and all contagious Diseases peculiar to Swine. Purifies the blood, * * * Do Not Be Deceived! Hogs require entirely distinct compound from other domestic animals. It is absurd to believe that ordinary Stock Remedy will cure and prevent Hog Cholera * * * The required dose for a hog of any scientific compound, containing the ingredients required to cure and prevent contagion among swine, * * * Directions for Hog Cholera.—As soon as you notice that Hog Cholera has begun on your herd, * * * Give from two to three tablespoonfuls of American Hog Remedy * * * If already diseased increase at once to three and even four tablespoonfuls * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of iron sulphate, magnesium sulphate, salt, charcoal, nux vomica, and ground vegetable material.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing in the labeling, with respect to the curative or therapeutic effects of the said article, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On December 23, 1921, 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.

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

10255. Adulteration of canned blackberries. U. S. * * * v. 80 * * * Cases of * * * Tennessee Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14860. I. S. No. 13511-t. S. No. C-3055.)

On May 11, 1921, the United States attorney for the district of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amendment to