

Augusta, Me., respectively, consigned by A. F. Schambier, Manchester, N. H., alleging that the article had been shipped from Manchester, N. H., April 14, July 19, 20, and 27, December 21 and 31, 1921 [and February 5, 1922], respectively, and transported from the State of New Hampshire into the State of Maine, 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 the Nervtone Tablets No. 1 contained approximately 1/60 grain of mercuric chlorid, 1/120 grain of strychnine sulphate, 1/100-grain of arsenic trioxid, and 3 grains of iron sulphate each, together with aloes and cascara sagrada extract; and that the Nervtone Tablets No. 2 contained approximately 1/120 grain of strychnine sulphate, together with cascara and belladonna extracts and aloes.

Misbranding of the article was alleged in substance in the libels for the reason that the cartons and envelopes containing the said article and the leaflets accompanying the same bore the following statements regarding its curative or therapeutic effects, (carton) (English) "Nervtone Tablets 100 No. 1 \* \* \* Tablets 30 No. 2 For Liver or Kidney Troubles Recommended for Dyspepsia, Rheumatism, Indigestion, Nervous Trouble, Diminution of the ordinary vigor of the body and mind, through overwork, mental worry, and all female complaints \* \* \*," (French) "Recommended for Dyspepsia, Rheumatism, Indigestion, Nervousness, Exhaustion through work, Loss of Sleep, Pains in the Side or Back, Exhausted Vitality resulting from any cause whatsoever, and all diseases peculiar to women \* \* \*," (carton and envelope) (English) "Nervtone (No. 2) Tablets Useful in \* \* \* Defective Elimination, Liver and Kidney Troubles \* \* \*," (French) "\* \* \* indispensable against \* \* \* diseases of the liver and kidneys \* \* \*," (leaflet) (English and French) "\* \* \* Nervtone Tablets No. 2 \* \* \* for \* \* \* Liver and Kidney Troubles, Bilious Affections (les Systèmes Bilioux) and Digestive Disorders (la Mauvaise Digestion en général). \* \* \* Serious diseases, such as dyspepsia, gall stones, appendicitis, etc., soon make their presence felt if the stomach and bowels do not work properly. \* \* \* for the speedy relief of \* \* \* the worst forms of digestive troubles. They relieve the stomach by doing a share of its work. \* \* \* Take also Nervtone Tablets No. 1 for Indigestion, Nervousness, Rheumatism, etc. \* \* \*" which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic or curative effects claimed. Misbranding was alleged for the further reason that the said cartons bore the following statement, "No \* \* \* dangerous drug," which statement was false and misleading.

On March 13, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10460. Misbranding of canned tomatoes. U. S. \* \* \* v. 75 Cases of Canned Tomatoes. Judgment by consent for release of the product under bond.** (F. & D. No. 14571. I. S. Nos. 6537-t, 8203-t. S. No. E-3155.)

On March 7, 1921, the United States attorney for the Northern 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 75 cases of canned tomatoes, at Utica, N. Y., alleging that the article had been shipped by the Preston Canning Co., Preston, Md., on or about December 4, 1920, and transported from the State of Maryland into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Contents 6 Lbs. 4 Oz. Or Over. I. X. L. Brand Tomatoes \* \* \* Packed By Preston Canning Company, Preston, Maryland."

Misbranding of the article was alleged in substance in the libel for the reason that the label of the can containing the said article bore the statement, "Contents 6 Lbs. 4 Oz. Or Over," which statement was false and was intended to deceive and mislead the purchaser into the belief that each of the said cans contained 6 pounds 4 ounces or over of the article, whereas each of the said cans did not in fact contain 6 pounds 4 ounces or over of the said article. Misbranding was alleged for the further reason that the correct

amount or quantity of the contents in each package was not plainly and conspicuously marked on the outside of the said package.

On July 15, 1921, Griffin & Hoxie, Utica, N. Y., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of the court was entered ordering 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 \$250, in conformity with section 10 of the act, conditioned in part that the said product be relabeled "Contents Six Pounds" and that the statement, "4 Oz. Or Over," be removed or obliterated from the label.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10461. Adulteration of lemon extract. U. S. \* \* \* v. Meyer Bros. Coffee & Spice Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15856. I. S. No. 211-t.)**

On March 28, 1922, 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 an information against the Meyer Bros. Coffee & Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 3, 1921, from the State of Missouri into the State of Illinois, of a quantity of lemon extract which was adulterated. The article was labeled in part: "The Kane 4 Ozs. Terpeneless Lemon Extract \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a dilute terpeneless lemon extract, deficient in citral.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a diluted terpeneless lemon extract deficient in citral, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for terpeneless lemon extract, which the article purported to be.

On April 20, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10462. Adulteration and misbranding of canned salmon. U. S. \* \* \* v. 780 Cases \* \* \* of Canned Salmon. Judgment by consent for release of product under bond. (F. & D. No. 15874. I. S. No. 1311-t. S. No. C-3009.)**

On December 30, 1921, the United States attorney for the Eastern District of Arkansas, 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 780 cases of canned salmon, at Little Rock, Ark., consigned by the Carlisle Packing Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., December 15, 1921, and transported from the State of Washington into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "4 Dozen Tall One Pound Cans Beluga Brand Yukon Salmon Packed by Carlisle Packing Co., Seattle, Wash., U. S. A."; (can) "Beluga Brand Yukon Salmon Contents One Pound Yukon's Silver Salmon \* \* \*"

Adulteration of the article was alleged in the libel for the reason that chum salmon had been substituted wholly or in part for silver salmon.

Misbranding was alleged in substance for the reason that the above-quoted statements appearing in the labeling were false and misleading and deceived and misled the purchaser; and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Silver Salmon."

On January 11, 1922, the Scott-Mayer Commission Co., Little Rock, Ark., having intervened as claimant for the property and having executed a bond in the sum of \$200, conditioned that the said product be relabeled "Yukon Chum Salmon," it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*