

9874. Adulteration and misbranding of catsup. U. S. * * * v. 23 Cases, 80 Cases, and 35 Cases * * * of Catsup. Verdicts finding product adulterated and misbranded; product ordered released under bond to be salvaged. (F. & D. Nos. 14409, 14582, 14583, 14584. I. S. Nos. 9163-t, 9264-t, 9265-t, 9266-t. S. Nos. E-3110, E-3157-a.)

On February 7 and March 14, 1921, respectively, the United States attorney for the Western District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 23 cases and 80 cases, 8-ounce bottles, and 35 cases, 16-ounce bottles, of catsup, at Rock Hill, Spartanburg, and Laurens, S. C., respectively, alleging that the article had been shipped by the J. T. Polk Co., Mound City, Ill., and transported in part from the State of Illinois into the State of North Carolina and reconsigned therefrom into the State of South Carolina, and in part from the State of Illinois direct to the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, (bottles) "Contents 8 Ozs." (or "16 Ozs.") "* * * Polk's Best Catsup J. T. Polk Company * * * Chicago, U. S. A. * * *"

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance and of a filthy or decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 7, 1921, the cases having come on for final disposition before the court and a jury and the Sears and Nichols Canning Co., Chillicothe, Ohio, successors to the interests of the J. T. Polk Co., having entered an appearance as claimant and having requested that the product be returned to them for the purposes of salvaging the bottles, screw caps, boxes, and fillers and for making an examination of the product to determine whether or not a portion thereof was fit for consumption, verdicts were returned finding the allegations of the libels to be true, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be examined at the warehouse of the said claimant and the good portion segregated from the bad, the bad portion to be destroyed and the good portion to be released upon examination and approval of a representative of this department, and it was further ordered that the said claimant be given permission to salvage the bottles, screw caps, boxes, and fillers.

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

9875. Misbranding of Homosan. U. S. * * * v. 3½ Dozen Packages and 7 Dozen Packages of Homosan. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14420, 14629. I. S. Nos. 9778-t, 9782-t. S. Nos. E-3111, E-3178.)

On February 7 and March 14, 1921, respectively, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3½ dozen packages and 7 dozen packages of Homosan, remaining in the original unbroken packages at San Juan and Ponce, P. R., respectively, alleging that the article had been shipped by the International Toilet Co., Brooklyn, N. Y., in part on or about July 27, 1920, and in part during the year 1920 or 1921, and transported from the State of New

York into the island of Porto Rico, 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 of tablets containing a trace of strychnine.

It was alleged in substance in the libels that the article was misbranded so as to deceive and mislead the purchaser thereof, in that the following statements regarding the curative and therapeutic effect, (box label) "For weakness of the testicles, atrophy of the prostate gland, spermatorrhea, and impotence," (circular inclosed in box) "The sooner this is taken the sooner the cure. * * * Impotence, Homosan corrects the weakness of the testicles, the atrophy of the prostate, spermatorrhea and total impotence. The remedy exerts a notable aphrodisiac effect in the impotence of neurasthenic origin * * *" were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 3 and August 29, 1921, respectively, 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.*

9876. Adulteration of coal-tar color. U. S. * * * v. 1½ Pounds Red, 2 Pounds Yellow, 2 Pounds Brown, and 2 Pounds Purple Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14428. I. S. Nos. 4755-t, 4756-t, 4757-t, 4758-t. S. No. C-2781.)

On March 4, 1921, the United States attorney for the Western District of Texas, 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 1½ pounds of red, 2 pounds of yellow, 2 pounds of brown, and 2 pounds of purple coal-tar color, at San Antonio, Tex., alleging that the articles had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., May 10, 1920, and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the articles was alleged in the libel for the reason that sodium chlorid had been mixed and packed with, and substituted wholly or in part for, the so-called red, yellow, brown, and purple coal-tar colors and for the further reason that they contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render them injurious to health.

On May 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

9877. Misbranding of Haskin's cough medicine. U. S. * * * v. 5 Dozen Bottles of Haskin's Cough Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14484. Inv. No. 29316. S. No. E-3136.)

On February 25, 1921, the United States attorney for the Middle District of Pennsylvania, 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 5 dozen bottles of Haskin's cough medicine, remaining in the original unbroken packages at York, Pa., alleging that the article had been shipped by the Haskin Medicine Co., Binghamton, N. Y., on or about January 20, 1921, and transported from the State of New York into the State