

judgment of condemnation and forfeiture was entered by consent, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

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

7959. Adulteration and misbranding of tomatoes. U. S. * * * v. 1,000 Cases Rose Hill Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11909. I. S. No. 3-r. S. No. E-1950.)

On February 6, 1920, the United States attorney for the District of New Jersey, 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 1,000 cases of Rose Hill Brand tomatoes, remaining unsold in the original, unbroken packages at Newark, N. J., alleging that the article had been shipped on or about October 25, 1919, by Charles Webster, East New Market, Md., and transported from the State of Maryland into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Rose Hill Brand Tomatoes Packed by Chas. Webster at East Newmarket, Dorchester Co., Md."

Adulteration of the article was alleged in the libel in that water had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength. Further adulteration was alleged in that water had been substituted in part for the article.

Misbranding of the article was alleged in that the label was false and misleading and deceived and misled the purchaser into the belief that the article consisted wholly of tomatoes, whereas it contained added water. Further misbranding was alleged in that the product was an imitation of, and was sold under the distinctive name of, another article.

On May 18, 1920, Charles Webster having appeared as claimant for the property, consent decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released upon the payment of the costs of the proceedings by the claimant and the filing of a bond, in conformity with section 10 of the act.

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

7960. Misbranding of Tu-ber-ku Cough Mixture. U. S. * * * v. 52 Bottles of Tu-ber-ku Cough Mixture. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7989. I. S. No. 12057-m. S. No. C-632.)

On January 11, 1917, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on March 2, 1918, an amended libel, for the seizure and condemnation of 52 bottles of Tu-ber-ku Cough Mixture, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped on November 6, 1916, by Cawthon Coleman Co., Selma, Ala., and transported from the State of Alabama into the State of Louisiana, 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 glycerin, alcohol, sugar, and water flavored with oil of peppermint.

Misbranding of the article was alleged in that statements on the labels on the bottles containing the article, regarding its curative and therapeutic effects, to wit, "Doctor Acker's Tu-ber-ku Cough Mixture Not Over 20% grain alcohol. For Consumption, Coughs, Croup, Colic, Catarrh and Asthma. No Poisons Prepared by Dr. Acker Chemical Co. Selma Alabama Price \$1.00," and on the cartons containing said bottles, "Dr. Acker's Tu-ber-ku for the treatment of Consumption. Coughs, Colds, Croup, Colic, Catarrh and Asthma Guaranteed by Dr. Acker Chemical Co. under the Food and Drugs Act June 30, 1906. Serial Number 22357," were false and fraudulent.

On May 29, 1920, after appearance, by attorney, of the Dr. Acker Chemical Co., as claimant, and after having filed an answer on motion of the attorney for the above claimant, the court allowed the answer filed in the case to be withdrawn and on consent a decree 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.*

7961. Adulteration and misbranding of Planters Golden Crown Special. U. S. * * * v. 104 Bottles of Planters Golden Crown Special. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 10510 10511 I. S. Nos. 16527-r, 16224-r. S. Nos. E-1489, E-1490.)

On June 6, 1919, the United States attorney for the Southern District of Georgia, 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 104 bottles of drugs, labeled in part "Planters Golden Crown Special," remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped on or about April 11, and April 18, 1919, by the Planter Medicine Co., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of santal oil, copaiba, methyl salicylate, oil of cassia, ethyl nitrite, with indications of sanguinarin, and 35.7 and 35.4 per cent by volume of alcohol, respectively.

Adulteration of the article in both shipments was alleged in the libel in that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the article in both shipments was alleged in substance in that there was no statement on the label concerning the quantity and proportion of alcohol contained in the product. Misbranding was further alleged in that the statements appearing on the carton enclosing, in the circular accompanying, and on the label on the bottle containing the article, regarding the curative and therapeutic effects of the article, to wit, "Planters Golden Crown Special for Gonorrhoea, Gleet And Diseases of a Similar Character; Also to Be Used As a Preventative of stricture. Planters Golden Crown Special for Gonorrhoea, Gleet. Planters Golden Crown Special A safe and reliable medicine for gonorrhoea, gleet and diseases of a similar character Planters Golden Crown Special is a fine medicine for Kidney Troubles, Stone in the Bladder and all aching and painful sensations in the small of the back * * * It will prevent stricture." were false and fraudulent in that the said product contained no ingredient or combination of ingredients capable of producing the effects claimed for the article by the above statements.