

S196. Adulteration of canned salmon. U. S. * * * v. 20 Cases, More or Less, of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11544. I. S. No. 8302-r. S. No. C-1613.)

On December 2, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of a certain quantity of canned salmon, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on July 15, 1919, and transported from the State of Virginia into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The shipment consisted of 2 lots labeled, in part, as follows: "Chicken Brand Fancy Red Salmon Distributed by John A. Tolman & Co., Chicago," and "Red Feather Brand Alaska Red Salmon Packed for Deming & Gould Co., Chicago."

Adulteration of the article was alleged in the libel in that the article consisted in part of a filthy, decomposed, and putrid animal substance.

On March 5, 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.*

S197. Adulteration and misbranding of tomatoes. U. S. * * * v. 150 Cases, More or Less, of Blue Dot Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11548. I. S. No. 15340-r. S. No. E-1864.)

On December 8, 1919, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the district aforesaid a libel praying the seizure of a certain quantity of Blue Dot Brand tomatoes, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about September 4, 1919, by Winfield Webster & Co., Vienna, Md., and transported from the State of Maryland into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part, "Blue Dot Brand Tomatoes * * * These tomatoes were packed in a sanitary factory * * * Packed by Winfield Webster & Co. Main Office Vienna, Md."

Adulteration of the article was alleged in the libel in that a certain substance, to wit, tomato pulp, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength. Further adulteration was alleged in that a certain substance, to wit, tomato pulp, had been substituted wholly and in part for the article. Further adulteration was alleged in that the article consisted in whole or in part of a filthy, decomposed, and putrid animal and vegetable substance.

Misbranding of the article was alleged in that the statements and designs on the label of the cans enclosing the article, to wit, "Blue Dot Brand Tomatoes" and "These tomatoes were packed in a sanitary factory," with a design showing a representation of a whole ripe tomato, were false and misleading in that the article was deficient in tomato solids, consisting wholly and in part of tomato pulp. Further misbranding was alleged in that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, canned tomatoes. Further misbranding was alleged in that the article was labeled and branded so as to deceive and mislead the purchaser.

On March 10, 1920, Winfield Webster & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and the product was ordered released to the claimant upon payment of the costs of the proceedings and filing of a bond, in conformity with section 10 of the act.

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

8198. Adulteration and misbranding of oil of wintergreen and oil of sweet birch. U. S. * * * v. 1 60-Pound Can of Oil of Wintergreen and 2 60-Pound Cans of Oil of Sweet Birch. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. Nos. 11656, 11657. I. S. Nos. 537-r, 538-r. S. Nos. E-1885, E-1886.)

On December 16, 1919, 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 praying the seizure and condemnation of a quantity of alleged oil of wintergreen and of alleged oil of sweet birch, alleging that the articles were shipped on or about November 29, 1919, by T. J. Ray, Johnson City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained material quantities of synthetic methyl salicylate.

Adulteration of the articles was alleged in the libel in that the articles were sold under names recognized in the United States Pharmacopœia, and differed from the pharmacopœial standards of strength, quality, and purity therein laid down, and fell below the professed standard and quality under which they were sold. Further adulteration was alleged in that synthetic methyl salicylate had been mixed and packed therein so as to reduce, lower, and injuriously affect their quality and strength, and synthetic methyl salicylate had been substituted wholly or in part for the articles.

Misbranding of the articles was alleged in the libel in that they were imitations of, and were offered for sale under the names of, other articles. Further misbranding was alleged in that they were imitations of, and offered for sale under the distinctive names of, other articles, and in that the labels affixed to the cans containing the articles were false and misleading and deceived and misled the purchaser.

On May 1, 1920, Thomas J. Ray, having appeared as claimant, but having failed to defend, default decree of condemnation and forfeiture was entered, and it was ordered by the court that the products be sold by the United States marshal as imitation of oil of wintergreen and as imitation of oil of sweet birch, in conformity with section 10 of the act, and that the costs of the proceedings be taxed against Thomas J. Ray.

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

8199. Adulteration of condensed chili. U. S. * * * v. 35 Cases of Condensed Chili. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12924. I. S. No. 9711-r. S. No. C-1989.)

On June 15, 1920, the United States attorney for the Western 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 a certain article, labeled in part "Condensed Chili," remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about January 12, 1920, from Dallas, Tex., by the Tenison Co., and transported from the State of Texas into