

culture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 250 cases of canned tomatoes, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped from Baltimore, Md., September 2, 1921, 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. The article was labeled in part: "Fox * * * Brand" (or "Compass Brand") "Tomatoes * * * Packed by D. E. Foote & Co. Inc. Baltimore, Md."

Adulteration of the article was alleged in substance in the libels for the reason that added purée, pulp and juice from skins and cores of tomatoes, and water had been mixed and packed with and substituted in part for tomatoes. Adulteration was alleged for the further reason that the article was mixed and packed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, "Fox * * * Brand Tomatoes" or "Compass Brand Tomatoes," as the case might be, together with the design of a red tomato, appearing on the said labels, were false and misleading and deceived and misled the purchaser for the reason that the contents of the said cans was not made up solely of the article represented by said label, but the said article had mixed therewith purée, pulp and the juice from skins and cores of tomatoes, and water. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of an article other than that contained in the said cans, that is the contents of the said cans was offered for sale as tomatoes, and not as tomatoes mixed with other substances.

On December 10, 1921, D. E. Foote & Co., Inc., Baltimore, Md., claimant, having filed an answer admitting the allegations of the libel and praying the release of the product to be relabeled under the supervision of this department, judgments of the court were entered ordering that the said product be released to the claimant upon the execution of bonds in the aggregate sum of \$647.90, in conformity with section 10 of the act.

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

11335. Adulteration and misbranding of grape concentrate. U. S. v. Tropical Fruit Juice Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 16207. I. S. No. 4894-t.)

On January 2, 1923, 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 an information against the Tropical Fruit Juice Co., a corporation, Chicago, Ill. alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 16, 1921, from the State of Illinois into the State of Michigan, of a quantity of grape concentrate which was adulterated and misbranded. The article was labeled in part: "Non-Intoxicating Free From Preservatives * * * Grape Smash Flavored Concentrate Acidulated and Artificially Colored * * * From Tropical Fruit Juice Co. * * * Chicago."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was essentially a mixture of sugar sirup and tartaric acid, flavored with methyl anthranilate and artificially colored with a coal-tar dye, amaranth.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an imitation grape concentrate, had been substituted in whole or in part for grape-smash-flavored concentrate derived from grapes which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to genuine grape concentrate, to wit, an imitation grape concentrate, and was colored in a manner whereby its inferiority was concealed with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of genuine grape concentrate.

Misbranding was alleged for the reason that the statements, to wit, "Grape Smash Flavored Concentrate" and "The Flavor Is Derived From Grapes," together with the design and device of a cluster of grapes, borne on the labels attached to the kegs containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was genuine grape-smash-flavored concentrate, an article derived from grapes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was grape-smash-flavored concentrate, an

article derived from grapes, whereas, in truth and in fact, it was not grape-smash-flavored concentrate, an article derived from grapes, but was an artificially colored imitation grape concentrate. Misbranding was alleged for the further reason that the article was an artificially colored imitation grape concentrate, prepared in imitation of grape smash, and was offered for sale and sold under the distinctive name of another article, to wit, grape smash.

On January 24, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

11336. Misbranding of Veronica water. U. S. v. 49 Cases of Veronica Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16300. I. S. No. 1831-t. S. No. C-3611.)

On May 10, 1922, the United States attorney for the Eastern District of Wisconsin, 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 49 cases of Veronica water, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Veronica Medicinal Springs Water Co., Santa Barbara, Calif., on or about March 14, 1922, and transported from the State of California into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "California's Natural Medicinal Spring Water * * * The Medicinal Effects If the component parts of the water be duly considered, it will be seen how it is possible for the mineral water from one spring to be valuable for many ailments * * * Write for our booklet of testimonials, every one of which this Company guarantees to be absolutely genuine, and received by this Company without pay or promise to pay. A fair trial will convince the most skeptical of the merits of Veronica Water;" (cases) "Veronica Water The Analysis Of Veronica Water * * * The Medicinal Effects If the component parts of the water be duly considered, it will be seen how it is possible for the mineral water from one spring to be valuable for many ailments. Directions For Using * * * Veronica Santa Barbara California's Natural Medicinal Spring Water Trade Mark;" (booklet) "As An Eliminant and Diuretic It Has No Equal * * * the value of Veronica Water in rheumatism, in the train of conditions following habitual alcoholic abuse * * * for the symptomatic relief of chronic nephritis * * * and in those affections of the urinary tract where mild diuresis with catharsis may be indicated. * * * the positive effect upon digestive and urinary tract, indicate the value of Veronica Water in this very broad, if limited, class of conditions. * * * In many forms of liver, kidney, bladder and urethral troubles it is the desideratum, stimulating them to healthy action and assisting nature to throw off the waste products of the body. At the same time the powerful solvent properties of the alkaline salts is obtained and the hyper-acid condition of the blood neutralized. * * * It would be necessary to take a review of the whole nosological index, if I was to occupy myself here with all the diseases which have been benefited or cured by the use of Veronica Mineral Water."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of water containing magnesium sulphate, sodium nitrate, sodium chlorid, calcium bicarbonate, calcium sulphate, and magnesium chlorid.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 26, 1922, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

11337. Adulteration of minced clams. U. S. v. 274 Cases and 124 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16590. I. S. Nos. 10975-t, 14051-t. S. No. W-1143.)

On July 6, 1922, the United States attorney for the District of Oregon, 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 condemna-