

**13190. Misbranding of canned clams. U. S. v. J. H. Doxsee & Sons. Plea of guilty. Fine, \$500. (F. & D. No. 19266. I. S. Nos. 434-v, 438-v, 15943-v.)**

At the January, 1925, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against J. H. Doxsee & Sons, a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, two shipments on or about April 24, 1923, and one shipment on or about January 30, 1924, from the State of Florida into the State of New York, of quantities of canned clams which were misbranded. The article in two shipments was labeled in part: (Can) "Neptune \* \* \* Steamed Quahaug Clams Contents 10 Oz. Clam Meat, 10 Oz. Clam Juice Packed By J. H. Doxsee & Sons." The article in one shipment was labeled in part: (Can) "Minced Clams Little Neck \* \* \* J. H. Doxsee & Sons \* \* \* Contents 10 Ounces Of Clam Meat, 10 Ounces Of Clam Juice."

Examination by the Bureau of Chemistry of this department of samples consisting of 12 cans taken from each of the consignments showed that the cans contained 8.37, 8.65, and 8.78 ounces, respectively, of clam meat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 10 Oz. Clam Meat" and "Contents 10 Ounces Of Clam Meat," respectively, borne on the cans containing the article, were false and misleading, in that the said statements represented that each of said cans contained 10 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 10 ounces of the article, whereas, in truth and in fact, each of said cans did not contain 10 ounces of the article but did contain a less amount. Misbranding was alleged for the further 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 March 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13191. Misbranding of Dr. Sayman's wonder herbs. U. S. v. 48 Packages of Dr. Sayman's Wonder Herbs. Default decree entered. Product ordered destroyed. (F. & D. No. 19102. S. No. C-4514.)**

On November 3, 1924, the United States attorney for the Eastern District of Tennessee, 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 48 packages of Dr. Sayman's wonder herbs, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the T. M. Sayman Products Co., St. Louis, Mo., on or about June 1, 1922, and transported from the State of Missouri into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tin box) "Composed Of Roots, Herbs And Barks \* \* \* Sayman's Wonder Herbs A Blood Medicine \* \* \* A Boon For Suffering Women \* \* \* Guaranteed," (circular) "All Herbs," (carton) "Sayman's Wonder Herbs A Blood Medicine \* \* \* Regulates the Liver and Kidneys, cleanses the Blood, and aids Digestion \* \* \* For \* \* \* Dyspepsia, Loss of Appetite \* \* \* Sick Headache \* \* \* LaGrippe, Chills and Fever, Intermittent or Remittent Fever, Weak or Impaired Kidneys \* \* \* Female Complaints and Blood Poison \* \* \* Beneficial to Women suffering from those ailments peculiar to their sex. A valuable treatment for LaGrippe, and its after effects, Malaria, Chills, Fever or Ague, and all diseases arising from an impure or impoverished condition of the blood. \* \* \* disorders of the stomach, liver, and kidneys," (small circular) "The Bitter that is needed for the Blood and the Gall Bladder is furnished through the medium of Sayman's Wonder Herbs—the greatest Blood and Liver Medicine ever compounded \* \* \* an effective Blood Medicine," (retail price list) "for the blood, stomach, liver and kidneys."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of gentian, ginger, rhubarb, licorice, cascara sagrada, buchu, senna, and sodium carbonate or bicarbonate.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false, fraudulent, and misleading, in that it contained no ingredient or combination of ingredients capable of producing the effects claimed, and was not a cure and relief for the complaints and ailments advertised, stated, and claimed as above.

On January 5, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded, and it was ordered by the court that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13192. Adulteration of tomato catsup. U. S. v. 24 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18977. I. S. No. 2499-v. S. No. E-4938.)

On September 17, 1924, the United States attorney for the Western 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 praying the seizure and condemnation of 24 cases of tomato catsup, at Pittsburgh, Pa., alleging that the article had been shipped by the Thomas Page Canning Co., from Albion, N. Y., on or about June 27, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Page Brand Tomato Catsup."

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

On December 24, 1924, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13193. Adulteration and misbranding of prepared mustard. U. S. v. 32 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18874. I. S. No. 16772-v. S. No. E-4953.)

On August 7, 1924, the United States attorney for the District of Rhode Island, 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 32 cases of prepared mustard, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Federal Food Products Co., from Newark, N. J., on or about March 26, 1924, and transported from the State of New Jersey into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping package) "2 Doz. Mason Jars 16 Oz. Centennial Brand Mustard Manufactured By Federal Mustard Mills, Inc. Newark, N. J." (Jar) "Bauer's Centennial Brand prepared Mustard Net Weight 8 Ozs. Mustard Seed, Pure Spices \* \* \* Manufactured By McLeod, Von Lengerke & Co. Inc. Newark, N. J. 1 Lb. Net."

Adulteration of the article was alleged in the libel for the reason that a substance, mustard bran, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Mustard Net Weight 8 Ozs. Manufactured By McLeod, Von Lengerke & Co. Inc.," borne on the retail package, and "16 Oz. Mustard Manufactured by Federal Mustard Mills, Inc.," borne on the shipping package, were false and misleading and deceived and misled the purchaser, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and for the further reason that it was offered for sale under the distinctive name of another article.

On December 29, 1924, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*