

Misbranding of the article was alleged in the libels for the reason that the following statements regarding the curative and therapeutic effects of the article, borne on the labeling of all the said article: (Circular, English) "Teething. This is usually a trying and critical experience in baby's career. The swollen and congested gums are very painful, and if this pain continues it causes extreme nervousness, the child becomes restless and fretful, there is indigestion which causes either diarrhoea or constipation, vomiting, in many cases, high fever and sometimes convulsions. A Teething baby is a Nervous Baby and is more likely to contract Colds, Diarrhoea, Cholera infantum, Whooping Cough, and other baby ailments, and is less able to withstand them. In fact, many a case of illness in an infant that in itself could be controlled, when complicated with Teething, becomes a very grave affair. It is therefore very important that teething be made as painless as possible," (French) "During dentition use this remedy regularly morning and evening," (German) "In the coming of the teeth it should be taken regularly morning and evening," (Spanish) "During dentition it should be used regularly night and morning," (Italian) "During dentition it is to be given to the little ones morning and evening regularly," (bottle) "Kopp's Alcohol About 8¼ Per Cent Sulphate Of Morphine ⅛ Grain Per Ounce Besides Other Medicinal Ingredients Made By The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," (carton, which is that portion of labeling first seen by purchaser) "Kopp's Alcohol about 8½ Per Cent. Sulphate Of Morphine ⅛ Grain Per Ounce Besides Other Medicinal Ingredients The Kopp's Baby's Friend Co. Kopp's The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp, Kopp's Made by The Kopp's Baby's Friend Co.," together with the statements borne on a white folder accompanying a portion of the article: "Kopp's Remedies for Babies and Children. Kopp's Baby's Friend 20¢, 40¢, 75¢. Used by thousands of mothers in all parts of the world for Colic, Diarrhoea and Teething," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 18, 1925, 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. F. MARVIN, *Acting Secretary of Agriculture.*

13874. Adulteration and misbranding of colors. U. S. v. 23 Packages, et al., of Colors. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19044. I. S. Nos. 16916-v, 16917-v, 16918-v. S. No. E-4959.)

On October 7, 1924, the United States attorney for the District of Massachusetts, 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 81 packages of colors, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the H. Kohnstamm Co., from New York, N. Y., July 17, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The bottles containing the article were labeled in part: "Atlas Colors * * * Brilliant Yellow Shade Coal Tar Color" (or "New Atlas Paste Colors Yellow" or "New Atlas Paste Colors Brilliant Yellow Shade" or "Special Deep Brilliant Green Shade") "We Guarantee The Contents Of This Package To Contain No Coal Tar Colors Except Our Certified Colors." The cartons containing the said bottles were labeled in part: "H. Kohnstamm & Co, Inc. New York Chicago."

Adulteration of the article was alleged in the libel for the reason that a substance, sugar and glycerin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for certified color, which the said article purported to be.

Misbranding was alleged for the reason that the statements appearing in the labeling, "We Guarantee The Contents Of This Package To Contain No Coal Tar Colors Except Our Certified Colors," "Atlas Colors Brilliant Yellow," "Brilliant Yellow Shade Coal Tar Color," "5662 New Atlas Paste Colors Yellow" (or "Lot No. 5533"), "Special Deep Green 5634," and "Special Deep Brilliant Green Shade," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further

reason that the article was offered for sale under the distinctive name of another article.

On November 16, 1925, 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. F. MARVIN, *Acting Secretary of Agriculture.*

13875. Misbranding of flour. U. S. v. 40 Sacks and 23 Sacks of Flour. Default decrees of condemnation, forfeiture, and sale. (F. & D. No. 20161. I. S. Nos. 17474-v, 17475-v. S. No. E-5393.)

On June 30, 1925, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 63 sacks of flour, remaining in the original unbroken packages at Cheraw, S. C., alleging that the article had been shipped by the Allen Milling Co., from Wadesboro, N. C., June 13, 1925, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "24 Lbs. When Packed" or "Pound Cake Flour 24 Lbs," as the case might be.

Misbranding of the article was alleged in the libels for the reason that the statements on the labels, "24 Lbs. When Packed," with respect to a portion of the product, and "Flour 24 Lbs." with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser. 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 packages.

On November 10, 1925, 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 sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13876. Misbranding of canned tomatoes. U. S. v. 571 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 20341. I. S. No. 10229-x. S. No. C-5019.)

On August 11, 1925, the United States attorney for the Northern District of Ohio, 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 571 cases of canned tomatoes, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by Wm. Silver & Co., York, Pa., on or about January 26, 1925, and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Satisfactory Brand Tomatoes Wm. Silver & Co. Inc. Distributors Aberdeen, Md. Contents 1 Lb. 3 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement borne on the label "1 Lb. 3 Oz." was false and misleading and deceived and misled the purchaser, and 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 November 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the cans labeled "Satisfactory Brand" be separated from the remainder and the label corrected to read "Contents 1 Lb.," and the entire lot sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13877. Adulteration and misbranding of spring water. U. S. v. 9 Bottles of Williams' Acme Spring Health Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20099. I. S. No. 14261-v. S. No. E-5320.)

On June 4, 1925, the United States attorney for the District of Massachusetts, 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 9 five-gallon bottles of Williams' Acme spring health water, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Williams Bros., from Bowers Hill, Va., on or