

11995. Adulteration of canned fruits. U. S. v. 111 Cases of Canned Fruits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18122. I. S. No. 1962-v. S. No. E-4621.)

On November 28, 1923, 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 111 cases of canned fruits, at Boston, Mass., alleging that the articles had been shipped by the Milliken-Tomlinson Co., Portland, Me., on or about November 20, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. Some of the articles were unlabeled. The rest were labeled variously: "Superba Brand Fancy Loganberries Milliken-Tomlinson Co., Distributors, Portland, Maine;" "Superba Brand Plum Preserves Milliken-Tomlinson Co., Distributors, Portland, Maine;" "Ruperts Preserved Fruits Pure Cranberry Preserves A. Rupert Company, Inc., Portland, Oregon, U. S. A."

Adulteration of the articles was alleged in the libel for the reason that they consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 4, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

11996. Misbranding of Foley kidney pills. U. S. v. 12 Dozen, et al., Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18040. I. S. Nos. 2796-v, 2797-v. S. No. E-4583.)

On November 14, 1923, the United States attorney for the Eastern 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 12 dozen bottles of Foley kidney pills, at Philadelphia, Pa., consigned by Foley & Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about October 31, 1923, and transported from the State of Illinois into the State of Pennsylvania, 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 of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources, including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the label and circular contained the following statements regarding the curative or therapeutic effects of the said article, (bottle, carton, and circular) "Kidney Pills For Irritation [circular, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "kidneys * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * *. 2nd—The Bowels must be kept active * * *. 3rd—The diet is of great importance," which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect from the said statements, and which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On December 6, 1923, 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.*

11997. Misbranding and alleged adulteration of jellies. U. S. v. 10 Cases of Apple and Grape Jelly, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17541, 17542. I. S. Nos. 2148-v, 2149-v, 2060-v, 2061-v. S. Nos. E-4399, E-4401.)

On or about May 23 and 24, 1923, respectively, the United States attorney for the Western 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 libels praying the seizure and condemnation of 244 cases of jellies, remaining in the original unbroken packages in part at Buffalo and in part at