

Gallons") "Magnolia Brand Pure Salad Oil * * * R. C. Williams & Co. Distributors New York."

Examination of the article by the Bureau of Chemistry of this department showed that the said cans contained less than the quantities declared on the respective labels.

Misbranding was alleged in the libel for the reason that the statements "One Gallon" and "Five Gallons," appearing on the labels of the respective-sized cans, were false and misleading and deceived 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 March 15, 1924, R. C. Williams & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be emptied into barrels and the cans mutilated or destroyed, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12217. Misbranding of Doan's kidney pills. U. S. v. 100 Dozen Packages, et al., of Doan's Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18064, 18065, 18066. I. S. Nos. 4173-v, 7088-v, 7089-v. S. Nos. C-4203, C-4204, C-4205.)

On November 20, 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 libels praying the seizure and condemnation of 231 dozen packages of Doan's kidney pills, at Chicago, Ill., alleging that the article had been shipped by the Foster-Milburn Co., from Buffalo, N. Y., in various consignments, namely, October 30, November 5, and November 10, 1923, respectively, and transported from the State of New York into the State of Illinois, 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 the pills consisted essentially of potassium nitrate, ground plant material, including uva ursi, a resin, a volatile oil such as juniper or turpentine oil, starch, sugar, and talc.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative or therapeutic effect of the said article, appearing in the labeling (box and wrapper) "Kidney Pills * * * acting directly on the * * * Urinary System," (circular, English) "Kidney Pills * * * There are certain trades in which * * * those following such trades are * * * subject to kidney trouble. In such cases, if these pills are indicated * * * increase the dose * * * when relief is noticed, the dose may be reduced * * * a good medicine," (German, Swedish, and Magyar) "If you work hard or if you perform indoor work or any kind of work which strains the kidneys, increase the dose," (Bohemian) "If you work hard or in closed quarters or if you perform work which affects the kidneys, increase the use of the pills," (Italian and Dano Norwegian) "If you do hard work, indoor work or any kind of work which fatigues the kidneys, increase the dose," (Yiddish) "If you work hard and suffer with kidney troubles, take three pills each time until you feel better," (Polish) "If you work hard or indoors or any work which injures the kidneys, take one more, that is, three pills," were false and fraudulent, in that the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers the impression and belief that the article contained ingredients effective as a remedy for the diseases, ailments, and afflictions mentioned upon the said labels, wrappers, and circulars.

On March 31, 1924, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12218. Misbranding and alleged adulteration of canned salmon. U. S. v. 839 Cases and 378 Cases of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17288, 17289. I. S. Nos. 6102-v, 6105-v. S. Nos. C-3894, C-3896.)

On February 16, 1923, the United States attorney for the Eastern District of Louisiana, 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 1,217 cases of salmon, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the C. F. Buelow Co., from Seattle, Wash., in two consignments, namely, on or about December 8 and 29, 1922, respectively, and transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Pink Beauty Brand * * * Pink Salmon * * * Guaranteed by Weiding & Independent Fisheries Co., Under the Food and Drugs Act June 30, 1906 * * * Packed by Weiding & Independent Fisheries Co. Seattle, Wash." The remainder of the article was labeled in part: "Watermelon Brand * * * Puget Sound Chum Salmon * * * Packed by Deer Harbor Fisheries Co. Inc Deer Harbor, Washington, Seattle, Washington."

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

On June 26, 1923, no claimant having appeared for the property, judgment of the court was entered, finding the product to be misbranded and to consist of putrid matter, and it was ordered by the court that it be condemned and destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12219. Misbranding of butter. U. S. v. 27 Boxes and 9 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17722. I. S. No. 7107-v. S. No. C-4098.)

On August 16, 1923, the United States attorney for the Eastern District of Louisiana, 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 27 10-pound boxes and 9 30-pound boxes of butter, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by the Brookhaven Creamery Co., from Gloster, Miss., on or about August 6, 1923, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Carton) "Brookhaven Fancy * * * Creamery Butter * * * One Pound Net * * * The within contents weighed 1 lb. when packed * * * contents are not guaranteed to weigh at time of sale the amount marked on the package * * * Brookhaven Creamery Co. Brookhaven, Mississippi."

Misbranding of the article was alleged in the libel for the reason that the statement, "One Pound Net," was 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 package.

On November 12, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12220. Misbranding of tankage. U. S. v. 160 Sacks of Success Brand Digester Tankage. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18280. I. S. No. 8834-v. S. No. C-4270.)

On February 2, 1924, the United States attorney for the District of Indiana, 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 160 sacks of Success brand digester tankage, remaining in the original unbroken packages at Francesville, Ind., alleging that the article had been shipped by the United Bi-Products Co. from Chicago, Ill., on or about July 10, 1923, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Success Brand Digester Tankage * * * Protein 60% Manufactured By United Bi-Products Company * * * Chicago, East St. Louis."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "Protein 60%," was false and misleading and deceived and misled the purchaser, in that the article did not contain 60 per cent of protein but did contain a less amount.

On February 28, 1924, the United Bi-Products Co., Chicago, Ill., having appeared and filed its claim for the property and an answer of admission, and