

On February 23, 1924, the Globe Grain & Milling Co., Ogden, Utah, having appeared as claimant for the property, and the court having found that the Government had established the material allegations of the libel, judgment was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be reconditioned or relabeled in compliance with the law and that the claimant pay the costs of the proceedings.

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

**12239. Adulteration of tomato paste. U. S. v. 12 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18169. I. S. No. 4987-v. S. No. C-4221.)**

On December 14, 1923, the United States attorney for the Southern 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 12 cases of tomato paste, at Cincinnati, Ohio, consigned by John S. Mitchell, Inc., Sharpsville, Ind., October 24, 1923, alleging that the article had been shipped from Sharpsville, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Concentrated Tomato Concentrato Di Pomodoro \* \* \* Liberty Bell Brand."

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

On February 25, 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.

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

**12240. Adulteration of chestnuts. U. S. v. 20 Sacks of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18124. I. S. No. 4738-v. S. No. C-4211.)**

On November 27, 1923, the United States attorney for the Southern 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 20 sacks of chestnuts, at Cincinnati, Ohio, consigned by Fish & Reinhart, Clyde, N. C., on or about October 19, 1923, alleging that the article had been shipped from Clyde, N. C., and transported from the State of North Carolina into the State of Ohio, and charging adulteration in violation of the food and drugs act.

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

On January 23, 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.

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

**12241. Misbranding of Lafayette pain anodyne. U. S. v. 9 Dozen Bottles of Lafayette Pain Anodyne [Anodyne]. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18202. S. No. E-4665.)**

On December 26, 1923, the United States attorney for the District of Connecticut, 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 dozen bottles of Lafayette pain anodyne [anodyne], remaining in the original unbroken packages at Norwich, Conn., alleging that the article had been shipped by the Lafayette Co., Berlin, N. H., on or about July 20, 1923, and transported from the State of New Hampshire into the State of Connecticut, 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 product consisted essentially of volatile oils, such as spearmint and cassia oils, camphor, capsicum, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the labels upon the bottles containing the said article bore the following statements: "Pain Anodyne \* \* \* Kills Your Pain Internally and Externally For the relief of Rheumatism, Sore Throat, Coughs, Chills \* \* \* Diarrhoea, Colic, Cholera Morbus, Painful Menstruation, Stiff Joints \* \* \* Neuralgia \* \* \* Burns, Backache \* \* \*. Will relieve pain

of any kind \* \* \* to be repeated every hour until relieved," (French) "For Rheumatism, Coughs, Chills \* \* \* Cholera, Colics, painful Menstruation \* \* \* Cold in the Head \* \* \* Sore Throat \* \* \* Burns \* \* \* Stiff Joints, Neuralgia," which said statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 4, 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.

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

**12242. Misbranding of Texas Wonder. U. S. v. 36 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13198. I. S. No. 9418-t. S. No. E-2472.)**

On or about August 14, 1920, the United States attorney for the Southern District of Georgia, 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 36 bottles of Texas Wonder, at Augusta, Ga., alleging that the article had been shipped by G. Nash, St. Louis, Mo., on or about July 24, 1920, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Carton) "Recommended For Kidney and Bladder Troubles When Operation Not Required, Weak or Lamé Backs, Rheumatism, Gravel and Bladder Troubles in Children"; (circular headed "Read Carefully") "In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, guaiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the carton label and in the accompanying circular were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed.

On October 11, 1921, 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.*

**12243. Misbranding of flour. U. S. v. 100 Sacks of Flour. Decree ordering release of product under bond to be reconditioned or relabeled. (F. & D. No. 17683. I. S. No. 11821-v. S. No. W-1402.)**

On August 16, 1923, the United States attorney for the District of Nevada, 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 100 sacks of flour, at Reno, Nev., alleging that the article had been shipped by the Sperry Flour Co., from Ogden, Utah, on or about July 19, 1923, and transported from the State of Utah into the State of Nevada, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Sack) "Sperry Special Bakers Extra Bleached Sperry Flour Co. U. S. A. 98 Lbs."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing in the labeling, "98 Lbs.," 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 August 30, 1923, the Consolidated Warehouse Co., Reno, Nev., having appeared as claimant for the property and the court having found that the Government had established the material allegations of the libel, judgment was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be reconditioned or relabeled, in compliance with the law, and that the claimant pay the costs of the proceedings.

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