

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents $\frac{1}{4}$ Gallon," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the cans contained $\frac{1}{4}$ gallon net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained $\frac{1}{4}$ gallon net thereof, whereas, in truth and in fact, each of said cans did not contain $\frac{1}{4}$ gallon net 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 June 23, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**9066. Adulteration and misbranding of canned tomatoes. U. S. * * *
v. 620 Cases of Canned Tomatoes * * *. Product released on
bond. (F. & D. No. 12424. I. S. No. 184-r. S. No. E-2081.)**

On April 26, 1920, 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 a libel for the seizure and condemnation of 620 cases of canned tomatoes, consigned by the D. T. Roberts Co., Vienna, Md., October 2, 1919, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped and transported from the State of Maryland into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Dot Brand Tomatoes * * * Packed By Winfield Webster & Co. Main Office: Vienna, Md."

Adulteration of the article was alleged in the libel for the reason that added water and pulp had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for the article.

It was alleged in substance that the article was misbranded for the reason that the words and figures declared and printed upon the labels, cans, packages, and cases, that is to say, the word "Tomatoes," and the picture of a red ripe tomato thereon, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, or offered for sale under the distinctive name of, another article.

On October 8, 1920, the case having come on for final disposition, upon motion of Winfield Webster & Co., the claimant for the goods, it was ordered by the court that upon the execution and delivery of a good and sufficient bond in the sum of \$2,000, by Thomas Roberts & Co., of Philadelphia, Pa., in conformity with section 10 of the act, conditioned in part that the product be relabeled "Tomatoes and Pulp with 15% added water," the product might be delivered to said Thomas Roberts & Co.

E. D. BALL, *Acting Secretary of Agriculture.*

**9067. Misbranding of Tonoline Tablets. U. S. * * * v. 6 Dozen Pack-
ages of * * * Tonoline Tablets. Default decree of condemna-
tion, forfeiture, and destruction. (F. & D. No. 13326. I. S. No. 10364-t.
S. No. W-663.)**

On or about August 16, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the

seizure and condemnation of 6 dozen packages of Tonoline Tablets, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on or about October 1, 1918, by the American Drug Sales Co., Boston, Mass., and transported from the State of Massachusetts into the State of California, 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 nux vomica alkaloids and ferrous iron.

It was alleged in the libel that the article was misbranded for the reason that it was labeled in part on the box and circular and additional circular, as follows; (box) "Tonoline Tablets * * * valuable in the treatment of the various Debilitating Diseases of men and in the most extreme cases of Nervous Prostration in women. * * * For * * * Nervousness, Run-down, Wornout, Emaciated, Lost Ambition, and to Correct Poor Assimilation," (circular) " * * * the use of Tonoline should increase the red corpuscles of the blood, and promote what is known as cellular activity * * * exerts upon the nervous system a regulating tonic action. * * * to Make Thin * * * Men and Women Plump * * * the missing link between food and flesh. * * * most marvelous body builder which medical science has, so far, produced. * * * nothing * * * has ever been discovered which can in any way approach it. * * * Tonoline does supply this one missing link in the chain of normal human health and vitality—the power to properly assimilate * * * the flesh forming and tissue building elements of food. * * * for a thin person, the certainty of getting fat depends almost entirely upon Tonoline," (additional circular) " * * * For * * * Stomach Trouble * * * Men and Women * * * Premature Decline," whereas the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it, and the statements on the box label, circular, and additional circular were false and fraudulent.

On August 24, 1920, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

9068. Misbranding of Tonoline Tablets. U. S. * * * v. 6 Dozen Packages * * * of Tonoline Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13569. I. S. No. 7824-t. S. No. E-2639.)

On August 25, 1920, 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 for the seizure and condemnation of 6 dozen packages of Tonoline Tablets, consigned by the American Proprietary Syndicate, Boston, Mass., remaining in the original unbroken packages at Lancaster, Pa., alleging that the article had been shipped on or about December 23, 1919, and transported from the State of Massachusetts 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 the pills consisted essentially of nux vomica alkaloids and ferrous iron.

It was alleged in substance in the libel that the article was misbranded for the reason that its label and the circular accompanying it contained the