

9077. Adulteration of oysters. U. S. * * * v. Marlborough Market, a Corporation. Collateral of \$25 forfeited. (F. & D. No. 13939. I. S. No. 16630-r.)

On February 4, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against the Marlborough Market, a corporation, Washington, D. C., alleging that on February 27, 1920, the said company did offer for sale and sell at the District aforesaid, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for oysters, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been wholly or in part abstracted.

On February 4, 1921, the defendant company having failed to enter an appearance, the \$25 collateral that had been deposited by said company to insure its appearance was declared forfeited by the court.

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

9078. Adulteration of oysters. U. S. * * * v. Old Dutch Market, Inc., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 13940. I. S. Nos. 16623-r, 16627-r, 16657-r, 17420-r.)

On February 4, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against the Old Dutch Market, Inc., a corporation, having a place of business at Washington, D. C., alleging that on February 4, 6, 26, and 27, 1920, respectively, the said company did offer for sale and sell at the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for oysters, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, oyster solids, had been wholly or in part abstracted.

On February 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

9079. Adulteration of candy. U. S. * * * v. 850 Pounds * * * of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14119. I. S. No. 8694-t. S. No. E-3036.)

On December 23, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 850 pounds, more or less, of candy, at Washington, D. C., alleging that the article had been offered for sale and sold in the District of Columbia by the Washington Salvage Co., Washington, D. C., 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, in whole or in part, of a filthy, decomposed, and putrid vegetable substance.

On February 16, 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.

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

9080. Misbranding of Santal Midy Capsules. U. S. * * * v. 266 Bottles of * * * Santal Midy Capsules. Consent decree adjudging product misbranded and ordering its release on bond. (F. & D. No. 10453. I. S. No. 2907-r. S. No. W-286.)

On June 4, 1919, 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 266 bottles of Santal Midy Capsules, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped on or about September 24, 1918, by E. Fougere & Co., New York, N. Y., and transported from the State of New York 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 contents of the capsules consisted of sandalwood oil.

It was alleged in substance in the libel that the article was misbranded for the reason that the circular accompanying it contained the following statements, "Santal-Midy * * * Essential oil of Sandalwood, * * * in the treatment of gonorrhoea, gleet and discharges from the urinary organs. * * * ' * * * it affords relief * * * contributed to a great number of cures.' ' * * * In gonorrhoea in the acute stage, * * * urine may be passed without pain, * * * the discharge reduced * * * Inflammation of the Bladder.—When the bladder walls are inflamed, and even when there is hemorrhage, * * * its peculiar soothing action on mucous surfaces. In nearly every case of hematuria, the frequency of micturition and the pain arising therefrom cease * * * Suppurative Nephritis. * * * improve the symptoms * * * Catarrh of the Bladder. * * * Vesical Catarrh of Old Age. * * * stricture of the urethra and congestion of the prostate, * * * the urine soon becomes clear and limpid. In Acute Cystitis, when the urine is colored with blood, and inflammation of the neck of the bladder, it gives relief * * * assists elimination of uric acid indicated by the red deposit in the urine resembling gravel,' * * * when the urethral catarrh is accompanied by cystitis * * *," whereas the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed, and the statements in the circular aforesaid were false and fraudulent. Misbranding was alleged for the further reason that a certain circular accompanied the article, a copy of which was attached to the libel by the United States attorney, marked "Exhibit A," and made a part of the libel, which said circular contained statements, regarding the curative and therapeutic effects of said article and the ingredients and substances contained therein, [which were false and fraudulent] for the reason that said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it therein.

On October 11, 1919, the said E. Fougere & Co., New York, N. Y., claimant, having consented to a decree, judgment was entered in which it was found that the product was misbranded, and it was ordered by the court that the product