

Misbranding was alleged in substance for the reason that the article purported to be butter and was offered for sale as such, whereas it was an imitation thereof:

On June 26, 1920, the South Peacham Co-Operative Creamery Co. having entered an appearance as claimant for the product, and having executed a bond in the sum of \$300 and paid the costs of the proceedings, in conformity with section 10 of the act, judgment was entered providing for the release of the product to said claimant, conditioned in part that the article be so branded as to show compliance with the provisions of the act.

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

9213. Adulteration and misbranding of tomatoes. U. S. * * * v. Winfield Webster and Guy L. Webster (Winfield Webster and Co.). Pleas of nolo contendere. Fine, \$20 and costs. (F. & D. No. 12795. I. S. Nos. 7350-r, 15943-r.)

On March 31, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Winfield Webster and Guy L. Webster, trading as Winfield Webster & Co., Vienna, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 4 and 5, 1919, respectively, from the State of Maryland into the States of Pennsylvania and Tennessee, respectively, of quantities of canned tomatoes which were adulterated and misbranded. The article was labeled in part: "Blue Dot Brand" (picture of tomato) "* * * Packed by Winfield Webster & Co. Main Office: Vienna, Md."

Analyses of samples from both consignments of the article by the Bureau of Chemistry of this department showed the presence of added tomato pulp.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, tomato 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 tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," borne on the labels attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said article consisted wholly of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomatoes, whereas, in truth and in fact, said article did not consist wholly of tomatoes, but did consist in part of tomato pulp.

On March 31, 1921, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

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

9214. Adulteration of shell eggs. U. S. * * * v. Olof Hildre (Dahlen Mercantile Co.). Plea of guilty. Fine, \$25. (F. & D. No. 12798. I. S. No. 18786-r.)

On August 8, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Olof Hildre, trading as the Dahlen Mercantile Co., Dahlen, N. D., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 31, 1919, from the State of North Dakota into the State of Minnesota, of a quantity of shell eggs which were adulterated.

Examination of 540 eggs from the consignment by the Bureau of Chemistry of this department showed 261 mixed or white rots, 114 moldy eggs, and 2 blood rings, or approximately 69 per cent inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 12, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

9215. Misbranding of Gauvin's Cough Syrup. U. S. * * * v. 3 Dozen Bottles, 67 Bottles, and 67 Bottles of Gauvin's Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12832, 12833, 12834. I. S. Nos. 455-r, 457-r, 461-r. S. Nos. E-2320, E-2321, E-2322.)

On June 12, 1920, 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 libels for the seizure and condemnation of 3 dozen bottles, 67 bottles, and 67 bottles of Gauvin's Cough Syrup, remaining unsold in the original unbroken packages at Putnam, Moosup, and Danielson, Conn., respectively, alleging that the article had been shipped by J. A. E. Gauvin, Lowell, Mass., in part on or about August 7, 1919, and in part on or about August 8, 1919, and transported from the State of Massachusetts 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 it consisted essentially of the extractives of wild cherry bark and spruce gum, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the bottle and carton labels and an accompanying circular bore, among others, the following statements regarding its therapeutic and curative effects, to wit, (bottle) " * * * For * * * 'La Grippe,' Whooping-Cough & all affections of the Throat & Lungs. * * *," (carton, English and French) " * * * Recommended For * * * 'la Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * for all Diseases of the Respiratory Organs," (circular, English and French) " * * * the greatest possibilities of a radical cure. * * * highly recommended for all Affections Of The Respiratory Organs. * * * its persistent use produces a beneficent relief in serious as well as desperate cases. * * * a remedy for all Affections of the Respiratory Organs: Throat, Bronchial Tubes and Lungs. * * * the use of Gauvin's Syrup in the treatment of more severe cases of * * * Catarrh, as well as Asthma, Whooping-Cough, La Grippe, Hoarseness and Influenza have proved conclusively the efficacy of this remedy. * * * especially appropriate for the treatment of pulmonary diseases, because it constitutes the best antiseptic combination to check the progress of microbes in the respiratory organs, * * * it will relieve the worst cases. * * *," which statements were false, fraudulent, and misleading, and were applied to said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the article was composed of or contained ingredients or medicinal agents effective as a remedy for la grippe, whooping cough, catarrh, asthma, influenza, etc., when, in truth and in fact, it did not contain ingredients effective for the purposes named.