On March 2, 1921, the Twitchell-Champlin Co., Boston, Mass., having entered an appearance as claimant for the property and having executed a good and sufficient bond, in conformity with section 10 of the act, a decree was entered finding the product to be adulterated and misbranded and condemning the same, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings.

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

9232. Adulteration of tomato purée. U. S. * * * v. 6,972 Cans and 1,349 Cases of Tomato Purée * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14024. I. S. Nos. 4055-t, 4056-t. S. Nos. C-2610, C-2611.)

On December 14, 1920, the United States attorney for the Western District of Michigan, 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 6,972 cans and 1,349 cases, more or less, of tomato purée, remaining unsold and in the original unbroken packages at Fremont, Mich., alleging that the 6,972 cans of the article had been shipped by Jaqua & Co., Winchester, Ind., on or about December 9, 1918, and that the 1,349 cases of said article had been shipped by J. M. Paver & Co., of Chicago, Ill., invoiced by said Jaqua & Co., on or about December 20, 1918, and that the two shipments had been transported from the States of Indiana and Illinois, respectively, into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part, "Witch Brand Tomato Puree * * * Contents 6 lbs. 7 oz." The remainder of the article was unlabeled.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed, filthy, and putrid vegetable substance, namely, decomposed tomatoes and tomato pulp and parts thereof.

On March 7, 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.*

9233. Adulteration and misbranding of Jamaica ginger. U. S. * * * v. 13 Gross Bottles of * * * Tincture of Jamaica Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14404. I. S. No. 8266-t. S. No. E-3090.)

On February 4, 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 a libel for the seizure and condemnation of 13 gross bottles of tincture of Jamaica ginger, consigned on January 7, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Chemical Trading Co., New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength as determined by the test laid down in said Pharmacopœia, official at the time of the investigation, and for the further reason that its strength fell below the professed standard and quality under which it was sold, to wit, "Tincture of Jamaica Ginger U. S. P. IX."

Misbranding was alleged for the reason that the statements on the label, "Tincture of Jamaica Ginger U. S. P. IX," and "2 oz.," were false and misleading in that the article was not tincture of ginger of United States Pharma-

copœial quality, and in that the contents of the package was less than 2 ounces. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the name of, another article.

On March 23, 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.*

9234. Misbranding of Haskin's Nervine. U. S. * * * v. 11 Bottles and 16 Bottles * * * of Haskin's Nervine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14450, 14451. Inv. Nos. 29313, 29314. S. Nos. E–3125, E–3126.)

On February 14, 1921, 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 libels for the seizure and condemnation of 11 bottles and 16 bottles, more or less, of Haskin's Nervine, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Haskin Medicine Co., Binghamton, N. Y., alleging that the article had been shipped on July 26, 1920, and January 24, 1921, respectively, and transported from the State of New York 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 it consisted essentially of a solution of Epsom salts, sweetened, flavored, and colored with caramel.

Misbranding of the article was alleged in substance in the libels for the reason that the bottle and carton labels contained certain statements, designs, and devices, regarding the curative or therapeutic effects of the said article, as follows, (bottle) "Nervine The Great Nerve Tonic and Blood Purifier. * * * For Liver Complaint, Female Weakness, Nervous Affections, Rheumatism, Kidney Trouble, Dyspepsia, Indigestion, * * * Biliousness and Catarrh * * * Nervous Diseases, Pains in the Heart and Shoulders, * * * Indigestion, Headache, Heartburn, Loss of Appetite, Dizziness, Numbness, Nausea, Fluttering of the Heart, Faintness, Rheumatism and Kidney Trouble. * * * Nervous Prostration and Female Complaints * * * It strengthens the nerves, Purifies the Blood, Tones up the System, makes New, Rich Blood, Clear Skin, and Ensures Perfect Health," (carton) "* * * Nervine. The Great Tonic, Nervine and Blood Purifier. * * * It Strengthens the Nerves, Purifies the Blood, Tones Up the System, Makes New, Rich Blood, Clear Skin, * * * The Great Nerve And Blood Tonic * * * It acts upon the glandular system, increasing the functional activity of the body, it at once makes known its wonderful power of renovating and enriching the blood, and invigorates the whole system. As a remedy for diseases of the Stomach, Liver and Kidneys, Dyspepsia, Indigestion, Loss of Appetite, Sick Headache, Dizziness, Female Weakness, Nervous Prostration, Emaciation, General Debility, Rheumatism, Heart Trouble, Eruptions of the Skin, Pimples, Boils, Tumors, Scrofulous Affections, Cancerous Humors, Salt Rheum, Catarrh, Ringworm, Carbuncles, Ulcers and Sores, Syphilitic Affections, Malarial Poison, Pain in the Bones, or in fact any disease originating from an impure state or low condition of the blood and nerves, * * * While eradicating and expelling the germs of disease, it at the same time builds up and invigorates, giving new life and energy to the whole system * * *," which were false and fraudulent in that the article would not produce the curative or therapeutic effects which purchasers were led to expect by the above-quoted statements.