10323. Adulteration and misbranding of tomato catsup. U. S. * * * v. 25 Cases * * * of Royal Kitchen Brand Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14495. I. S. No. 7855. S. No. E-3147.)

On March 2, 1921, the United States attorney for the District of New Jersey, 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 25 cases of Royal Kitchen Brand tomato catsup, remaining in the original unbroken packages at Elizabethport, N. J., alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about December 8, 1920, and transported from the State of New York into the State of Pennsylvania, and reshipped into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "* * * Royal Kitchen Brand Tomato Catsup Is Made From Selected Tomatoes Guaranteed Free From Any Artificial Coloring Or Any Other Injurious Substances. Contents 10 Oz."

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

Misbranding was alleged for the 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, since the statement made was not correct.

On January 19, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10324. Adulteration of canned sugar corn. U. S. * * * v. 43 Cases of Garden of Eden Sugar Corn. Default decree ordering destruction of the product. (F. & D. No. 14858. I. S. No. 8801-t. S. No. E-3354.)

On May 10, 1921, the United States attorney for the Eastern District of Virginia, 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 43 cases of Garden of Eden sugar corn, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Jacob C. Shafer Co., Baltimore, Md., on or about June 16, 1920, and transported from the State of Maryland into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Garden of Eden Sugar Corn, Easton, Talbot Co. Md. * * *"

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 October 12, 1921, no claimant having appeared for the property, judgment of the court was entered ordering the destruction of the product by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10325. Misbranding of Nervosex tablets. U. S. * * * v. 10 Boxes of Nervosex Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14953. Inv. No. 24221. S. No. C-3056.)

On May 25, 1921, the United States attorney for the Northern District of Texas, 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 10 boxes of Nervosex tablets, remaining in the original packages at Childress, Tex., alleging that the article had been shipped by the United Laboratories, St. Louis, Mo., on or about August 25, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Nervosex Tablets A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained zinc phosphid, calcium phosphate, an iron compound, and vegetable extractives, including nux vomica, in tablet form.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements appearing in the labeling thereof