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

On March 3, 1922, the Fruit Growers Exchange, claimant, having admitted the allegations of the libels and having consented to the entry of decrees of condemnation and forfeiture, judgments of the court were entered finding the product to be adulterated and ordering its delivery to the said claimant, upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $5,000, in conformity with section 10 of the act, conditioned in part that it be salvaged under the supervision of this department, the bad portion to be destroyed and the good portion to be released to the said claimant without conditions.

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

10340. Adulteration and misbranding of gelatin. U. S. * * * v. One Drum of Gelatin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10467. I. S. No. 12103-r. S. No. C-1269.)

On June 3, 1919, 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 one drum of gelatin, remaining in the original package at Cleburne, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 29, 1919, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that glue had been substituted in whole or in part for pure food gelatin, and for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, a quantity of zinc, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the article was labeled and branded "Pure Food Gelatine," which said statement was false and misleading and deceived and misled the purchaser in that the said article was not in truth and in fact pure food gelatin, but was a mixture of gelatin, glue, and zinc. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale as, pure food gelatin.

On March 3, 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.*

10341. Adulteration and misbranding of canned red kidney beans. U. S. * * * v. 36 Cases * * * of Red Kidney Beans * * *. Judgment by consent ordering release of the product under bond. (F. & D. No. 12151. I. S. No. 8572-r. S. No. C-1738.)

On February 18, 1920, the United States attorney for the Southern District of Iowa, 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 36 cases of red kidney beans, at Davenport, Iowa, alleging that the article had been shipped by the Central States Canning Co., Indianapolis, Ind., on or about July 21, 1919, and transported from the State of Indiana into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Central States Brand Red Kidney Beans * * * Packed by Central States Canning Company, Indianapolis, Indiana."

Adulteration of the article was alleged in substance in the libel for the reason that long cranberry beans had been substituted in whole or in part for red kidney beans.

Misbranding was alleged for the reason that the statement "Red Kidney Beans" was false and misleading and deceived and misled the purchaser when applied to long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On October 18, 1921, the Central States Canning Co., Indianapolis, Ind., claimant, having admitted the material allegations of the libel, having consented to a decree, and having agreed to eliminate the words "Red Kidney" and to substitute therefor the words "Naga Uzura," judgment of the court

was entered finding the product improperly and unlawfully labeled and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act, conditioned in part that the words "Red Kidney" be not used in the labels thereof.

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

10342. Adulteration and misbranding of vanilla and tonka. U. S. * * * v. E. M. Matthews Co., Inc., a Corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 13073. I. S. No. 16339-r.)

On October 8, 1921, 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 an information against the E. M. Matthews Co., Inc., a corporation, Florence, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 5, 1919, from the State of South Carolina into the State of Georgia, of a quantity of vanilla and tonka which was adulterated and misbranded. The article was labeled in part: "Extract of Vanilla and Tonka Purity Strength Monogram Brand * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a weak hydro-alcoholic solution of vanillin, coumarin, and sugar, colored with caramel. The net contents and the amount of alcohol were incorrectly stated on the label.

Adulteration of the article was alleged in the libel for the reason that a solution of vanillin and coumarin, artificially colored, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for extract of vanilla and tonka, which the article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to extract of vanilla and tonka, to wit, a solution of vanillin and coumarin, prepared in imitation of extract of vanilla and tonka, and was artificially colored with caramel so as to simulate the appearance of extract of vanilla and tonka and in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Extract Of Vanilla And Tonka" and "Not Over 40% Alcohol," borne on the label pasted on the carton and bottle containing the article, the statement, to wit, "Contents 7 Fld. Drs.," borne on the label attached to the said carton, the statement, to wit, "Contents 5½ Fld. Drams," borne on the said carton, and the statement, "4 Fld. Drs.," borne on the label attached to the said bottle, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was extract of vanilla and tonka, that it contained approximately 40 per cent of alcohol, and that each of the said bottles contained 7 drams, 5½ drams, or 4 drams of the said article, 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 was extract of vanilla and tonka, that it contained approximately 40 per cent of alcohol and that each of the said bottles contained 7 drams, 5½ drams, or 4 drams of the said article, whereas, in truth and in fact, the article was not extract of vanilla and tonka but was in part a solution of vanillin and coumarin, artificially colored, it did not contain approximately 40 per cent of alcohol, but did contain a less amount, to wit, 12 per cent of alcohol, and each of the said bottles contained less than 7 fluid drams and more than 5½ fluid drams or 4 fluid drams of the article, to wit, approximately 6.13 fluid drams of the said article. 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 March 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50 and costs.

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

10343. Misbranding of Madame Dean female pills. U. S. * * * v. 60 Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13313. Inv. Nos. 18323, 18324. S. No. C-2380.)

On or about September 3, 1920, 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