

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of nux vomica, quinine, and aloin.

It was alleged in substance in the libels that the article was misbranded in that the above-quoted statements were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects set forth in said statements.

On November 2, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

9282. Adulteration and misbranding of Extra Dry Champagne and Sparkling Burgundy. U. S. * * * v. 5 Cases of Extra Dry Champagne * * * and 5 Cases of Sparkling Burgundy * * * Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 13779. I. S. Nos. 12705-t, 12706-t. S. No. C-2554.)

On October 30, 1920, the United States attorney for the Middle District of Tennessee, 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 5 cases of Extra Dry Champagne and 5 cases of Sparkling Burgundy, respectively, remaining in the original unbroken cases at Nashville, Tenn., alleging that the articles had been shipped by H. G. Mumm & Co., New York, N. Y., on or about June 19, 1920, and transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "H. G. Mumm & Co. Extra Dry Champagne Non-Alcoholic H. G. Mumm & Co. Distributors American Importation Bordeaux France, New York, Chicago;" "H. G. Mumm & Co. Sparkling Burgundy Non-Alcoholic P. J. De Centaur Bordeaux, France, H. G. Mumm & Co. New York and Chicago."

Adulteration of the articles was alleged in the libels for the reason that an artificially carbonated imitation wine had been mixed and packed with and substituted wholly for the articles. Adulteration of the Sparkling Burgundy was alleged for the further reason that it was colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the packages or labels bore the statements, "H. G. Mumm & Co. Extra Dry Champagne," or "H. G. Mumm & Co. Sparkling Burgundy," as the case might be, which statements were false and misleading and deceived and misled the purchaser, for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles, and for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 18 and March 2, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

9283. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 268 Cases of * * * Canned Tomatoes. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. No. 13794. I. S. No. 7493-t. S. No. E-2831.)

On October 18, 1920, the United States attorney for the Southern District of New York, 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 268 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Roland Webster, Hurlock, Md., on or about June 8, 1920, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Baby Brand Tomatoes Packed With Care * * * Packed by Roland Webster Hurlock, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, tomato pulp, had been mixed and packed with and substituted in part for tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the label bore the statement, regarding the article and the ingredients and substances contained therein, to wit, "Baby Brand Tomatoes," together with a design of a whole ripe tomato, which statement and design were false and misleading and deceived and misled the purchaser. 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, to wit, canned tomatoes.

On April 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels be stripped from the cans containing the article, and that the product be delivered for consumption and not for sale to the Salvation Army at their headquarters in New York City.

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

9284. Adulteration and misbranding of lithia water. U. S. * * * v. 7½ Cases of * * * Alleged * * * Lithia Water. Default decree of destruction. (F. & D. No. 13868. I. S. No. 6451-t. S. No. E-2850.)

On November 17, 1920, the United States attorney for the Northern District of New York, 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 7½ cases of alleged lithia water, at Troy, N. Y., alleging that the article had been shipped by the Equinox Mountain Spring, Inc., Manchester, Vt., on or about August 13, 1920, and transported from the State of Vermont into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Equinox Equinox Spring Co. Manchester Vermont. The Equinox Mountain Spring Inc. * * * Equinox Lithia Water Artificially Carbonated Bottled At Equinox Springs Manchester, Vermont, U. S. A. * * *"

Adulteration of the article was alleged in the libel for the reason that an artificially prepared mineral water had been substituted wholly or in part for natural lithia water.

Misbranding was alleged in substance for the reason that the above-quoted statements on the label were false and fraudulent (misleading) and deceived and misled the purchaser into the belief that the article was lithia water, whereas it was not lithia water but simply a lightly mineralized spring water to which had been added certain salts in an attempt to make artificially a product which should simulate genuine lithia water. 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 March 28, 1921, no claimant having appeared for the property, judgment was entered ordering the destruction of the product by the United States marshal.

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