

of 922 barrels of split herring at Duluth, Minn., and 227 barrels of split herring at Minneapolis, Minn., alleging that the article had been shipped on or about July 20, 1917, by the Gorton Pew Fisheries Co., Gloucester, Mass., and transported from the State of Massachusetts into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

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

On August 31, 1918, and October 10, 1918, Wolpert Davis & Co., a corporation, Minneapolis, Minn., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of bond in the aggregate sum of \$8,500, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6794. Adulteration and misbranding of gelatin. U. S. * * * v. 1 Barrel of * * * Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9270. I. S. No. 2316-r. S. No. W-239.)

On August 23, 1918, the United States attorney for the Western District of Washington, 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 1 barrel of a product purporting to be gelatin, consigned by the California Glue Co., San Francisco, Cal., and arriving at Seattle on August 10, 1918, remaining unsold in the original unbroken package at Seattle, Wash., alleging that the article had been shipped and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was unlabeled but was sold as gelatin.

Adulteration of the article was alleged in the libel for the reason that glue had been mixed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for gelatin, which the article purported to be; and in that it contained an added poisonous and added deleterious ingredient, to wit, zinc, which might render the article injurious to health.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, gelatin, when it consisted wholly or in part of glue.

On April 21, 1919, the said California Glue Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act, conditioned in part that said product should be mixed with a low grade of hatter's glue to render it inedible, under the supervision of a representative of this department.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6795. Misbranding of The Texas Wonder. U. S. * * * v. 6 Dozen Bottles of The Texas Wonder. Product ordered destroyed. (F. & D. No. 9271. I. S. No. 16009-r. S. No. E-1092.)

On August 26, 1918, the United States attorney for the Southern District of Florida, 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 dozen bottles of The Texas Wonder, consigned by E. W. Hall, St. Louis, Mo., remaining unsold in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped on or about Aug. 1, 1918, and transported from the State of Missouri into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On bottle) "The Texas Wonder. Contains 43 per cent alcohol. * * * E. W. Hall, Sole Manufacturer, * * * St. Louis, Mo." (On carton) "A Texas Wonder. Hall's Great Discovery * * * For kidney and bladder troubles, diabetes, weak and lame backs, rheumatism. Dissolves gravel. Regulates bladder trouble in children. One small bottle is 2 months' treatment. * * *."

Analyses of samples of the product by the Bureau of Chemistry of this department showed that it was composed essentially of copaiba, rhubarb, colchicum, guaiac, an oil similar to oil of turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements borne on the cartons and bottles, regarding the curative and therapeutic effect of the article, were false and misleading, and for the further reason that said statements borne on the bottles and cartons with reference to the curative and therapeutic effect of the article were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the therapeutic effect in said statements.

On December 19, 1918, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6796. Adulteration and misbranding of tomato catsup. U. S. * * * v. 32 Cases * * * of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9274. I. S. No. 7146-p. S. No. E-1096.)

On August 26, 1918, the United States attorney for the Northern District of Georgia, 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 32 cases, each containing 6 cans of tomato catsup, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about April 24, 1918, and transported from the State of Alabama into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Frazier's Tomato Catsup. Prepared by the Frazier Packing Co., Elwood, Indiana."

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

Misbranding was alleged for the reason that the statement borne on the packages, to wit, "Six lbs. 10 oz.," was false and misleading, so as to deceive and mislead the purchaser thereof, and create in his mind the belief that the packages contained six pounds and ten ounces of the product, whereas, in truth and in fact, they did not, but contained a materially less quantity. 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 in terms of weight, measure, or numerical count.