

Adulteration of the article was alleged in the libel in that added juice had been mixed and packed with the tomatoes so as to reduce, lower, and injuriously affect their quality and strength, and had been substituted in whole or in part for the article.

Misbranding of the article was alleged in that the statements, designs, and devices regarding the article, to wit, "Tomatoes * * *," "We strive for quality and purity * * * Tomatoes," and the design of a ripe red tomato, were false and misleading in that they indicated that the package contained tomatoes only, whereas, in truth and in fact, it contained substances other than tomatoes.

On March 15, 1920, Noah Webster, claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

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

8006. Adulteration and misbranding of tuna fish. U. S. * * * v. 1,358 Cases, More or Less, of Tuna Fish. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12185. I. S. Nos. 8314-r, 8315-r. S. No. C-1765.)

On February 19, 1920, the United States attorney for the Northern District of Illinois, 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 a certain number of cases of tuna fish, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on January 14, 1920, by the United Tuna Packers, Inc., Wilmington, Calif., and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel in that it had been sold and shipped as tuna fish, whereas bonito fish had been substituted in whole or in part for tuna fish.

Misbranding of the article was alleged in that the statements, words, and figures on the label on each can containing the article, to wit, "Abbey Brand California Tuna. Net Weight, 6½ oz. Packed in winter pressed cottonseed oil. Packed and guaranteed by the United Tuna Packers, Inc., Wilmington, California," purported and represented that the article was tuna fish, whereas the article was bonito fish.

On May 1, 1920, the United Tuna Packers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

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

8007. Misbranding of Texas Wonder. U. S. * * * v. 6 Dozen Bottles, More or Less, of a Certain Drug, Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12539. I. S. No. 8169-r. S. No. C-1875.)

On April 9, 1920, the United States attorney for the Northern District of Illinois, 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 a drug, labeled "Texas Wonder," remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the

article had been shipped on or about November 1, 1919, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Illinois, 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 copaiba, rhubarb, colchicum, turpentine, guaiac, and alcohol.

Misbranding of the article was alleged in that certain statements on the label on the carton enclosing, on the bottle containing, and in the circular accompanying the article, regarding the curative or therapeutic effects of the article, falsely and fraudulently represented the article to be effective as a remedy for kidney and bladder troubles, weak and lame backs, rheumatism and gravel, regulating bladder trouble in children, rheumatism and kindred diseases, diabetes, stone in the kidneys, inflammation of the bladder, and tuberculosis of the kidneys, whereas, in truth and in fact, it was not so effective.

On May 4, 1920, 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.*

S008. Misbranding of Simpson's Vegetable Compound and Iodide of Potassium. U. S. * * * v. 2 Dozen Bottles, More or Less, of a Certain Drug, Simpson's Vegetable Compound and Iodide of Potassium. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12541. I. S. No. 8279-r. S. No. C-1877.)

On April 9, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying for the seizure and condemnation of a certain article of drug, labeled in part "Simpson's Vegetable Compound and Iodide of Potassium," remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on August 22, 1919, by Dr. A. B. Simpson Co., Richmond, Ind., and transported from the State of Indiana into the State of Illinois, 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 potassium iodid, unidentified plant extractives, sugar, alcohol, and water.

Misbranding of the article was alleged in the libel in that certain statements regarding the curative or therapeutic effects of the article on the label on the bottles containing, on the carton enclosing, and in the circular accompanying the article, falsely and fraudulently represented the article to be effective for all diseases depending on a depraved condition of the blood, scrofula, scrofulous diseases of the eyes, or scrofula in any form, and erysipelas, old sores, boils, ulcers, pimples, blotches, and any diseases or eruption of the skin, rheumatism and pain in the limbs, bones, etc., scald head, salt rheum, vetter, long-standing diseases of the liver, catarrhal affections of all kinds, syphilis in all its forms or the diseases that it entails, scrofula, old sores, boils, ulcers, inflamed eyes, pimples, blotches, inflammatory rheumatism, * * * blood poisoning, inflamed eyes, eruptions, contagious blood poison (syphilis) * * * eczema, * * *," whereas, in truth and in fact, it was not effective for the diseases and disorders named.

On May 4, 1920, 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.*