

Court of the United States for said district a libel for the seizure and condemnation of 80 cases of canned salmon, at Laredo, Tex., alleging that the article had been shipped by the Coast Fish Co., Anacortes, Wash., on or about January 26, 1920, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Antler Brand Chum Salmon distributed by Kelley-Clarke Co., * * * Seattle, Wash."

It was alleged in substance in the libel that the article was adulterated by being filthy, decomposed, and putrid.

On May 5, 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.*

S574. Misbranding of National Hog Powder. U. S. * * * v. 1 Bag (100 Lbs.) of National Hog Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12385. I. S. No. 7367-r. S. No. C-1913.)

On May 3, 1920, the United States attorney for the District of Indiana, 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 bag (100 lbs.) of National Hog Powder, remaining in the original unbroken packages at a point 2½ miles east of Glenwood, Ind., consigned February 12, 1920, alleging that the article had been shipped by the National Livestock Remedy Co., Englewood (Chicago), Ill., and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bag) "* * * Made only by National Live Stock Remedy Co. Chicago, Ill.," (direction sheet in bag) "* * * Swine plague * * * can be prevented by the use of National Hog Powder * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sodium sulphate, ferrous sulphate, charcoal, sulphur, sand, and organic material.

Misbranding of the article was alleged in substance in the libel for the reason that the aforesaid statements, appearing upon and in the bag and accompanying direction sheet, were false and fraudulent in that the article did not have the curative and therapeutic effects claimed for it.

On June 23, 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.*

S575. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 678 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12391. I. S. No. 663-r. S. No. E-2080.)

On May 3, 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 678 cases, containing 24 cans each, of canned tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the California Cooperative Canneries, San Jose, Calif., October 24, 1919, and transported from the State of California 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, "Cock O' The Walk Tomatoes with added tomato juice * * *" (design of red ripe tomato).

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 wholly or in part for, tomatoes.

Misbranding was alleged in substance for the reason that the statement "Tomatoes with added tomato juice" and the design of a ripe tomato on the cans, and the statement "Standard Tomatoes" on the shipping cases, regarding the article and the ingredients and substances contained therein, were misleading and deceived and misled the purchaser, and 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 September 21, 1920, Silas A. Birdsong, Thomas H. Birdsong, and George F. Birdsong, trading as Birdsong Bros., New York, N. Y., claimants, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department as "Tomatoes with added Tomato Puree."

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

8576. Misbranding of Gauvin's Cough Syrup. U. S. * * * v. 11 Dozen Bottles, 4 Dozen Bottles, 59 Dozen Bottles, and 11 Dozen Bottles of Gauvin's Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12409, 12410, 12412, 12413. I. S. Nos. 13074-r, 13077-r, 13083-r, 13079-r. S. Nos. E-2116, E-2118, E-2120, E-2121.)

On May 17 and May 24, 1919, the United States attorney for the District of Maine, 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 11 dozen bottles of Gauvin's Cough Syrup, at Portland, Me., and 4 dozen bottles, 59 dozen bottles, and 11 dozen bottles of Gauvin's Cough Syrup, at Biddeford, Me., consigned by J. A. E. Gauvin, Lowell, Mass., remaining unsold in the original unbroken packages, alleging that the article had been shipped October 8, October 17 (2 shipments), and October 20, 1919, respectively, and transported from the State of Massachusetts into the State of Maine, 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 extractives of wild cherry bark, spruce gum, sugar, alcohol and water.

Misbranding of the article was alleged in substance in the libels for the reason that the packages bore certain statements regarding the curative or therapeutic effects thereof, as follows, (bottle) "* * * For * * * 'La-Grippe', Whooping Cough and all affections of the Throat and Lungs," (carton) "* * * for * * * all Throat and Pulmonary Diseases * * * all Diseases of the Respiratory Organs * * *," (circular) "* * * Successfully used in all affections of the Throat, Bronchi and Lungs * * * in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption * * * Tuberculosis * * * ailments of the Chest * * * Spasmodic Coughs * * * for treatment of the most serious cases of Colds, Bronchitis, the most obstinate Catarrhs, Hoarseness * * * Epidemic Grippe * * * Diseases of the Chest * * *