

States, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be redelivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,400, in conformity with section 10 of the act.

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

**8695. Misbranding of sardines in salt and salted anchovies. U. S. \* \* \* v. 118 Cases of Salted Anchovies and 71 Cases of Sardines in Salt, U. S. \* \* \* v. 15 Cases of Salted Anchovies and 15 Cases of Sardines in Salt, and U. S. \* \* \* v. 5 Cases of Sardines in Salt. Consent decrees of condemnation and forfeiture. Product ordered released on bond.** (F. & D. Nos. 12598 to 12607, inclusive. I. S. Nos. 13468-r, 13469-r, 13470-r. S. No. E-2066.)

On April 8, 1920, the United States attorney for the Western District of Pennsylvania, 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 118 cases of salted anchovies, 71 cases of sardines in salt, 15 cases of salted anchovies, 15 cases of sardines in salt, and 5 cases of sardines in salt, at Pittsburgh, Erie, and New Castle, Pa., alleging that the articles had been shipped by Kirstein & Co., from Monterey, Calif., on or about October 17 and November 22, 1919, respectively, and transported from the State of California into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The anchovies were labeled in part, "Il Sole Brand Salted Anchovies Especially Selected and Packed by Cardinale & Lafata, Monterey, Calif. Net Weight 4 Lbs.," or "11 Lbs.," as the case might be. The sardines were labeled in part, "Il Sole Brand Sardines in Salt Especially Selected and Packed by Cardinale & Lafata, Monterey, Calif. Net Weight 4 Lbs." and "Net Weight 11 Lbs.," respectively.

Misbranding of the articles was alleged in substance in the libels for the reason that the labels contained the statement, "Net Weight 5 Lbs." or "Net weight 11 Lbs.," as the case might be, which was false and misleading and deceived and misled the purchaser, since examination showed the products to be short weight. Misbranding was alleged 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 package in terms of weight or measure.

On April 22, 1920, Cardinale & Lafata, Monterey, Calif., claimants, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be surrendered to said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$900, in conformity with section 10 of the act.

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

**8696. Adulteration of candy. U. S. \* \* \* v. 350 Pounds of Chocolate Candy. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12609. I. S. No. 659-r. S. No. E-2078.)

On April 20, 1920, the United States attorney for the District of Connecticut, 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 350 pounds of chocolate candy, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped on or about September 9, 1919, by the H. J. Rigby Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration, in violation of the Food and Drugs Act. The article was labeled

in part, "Queen Anne Chocolates Quality Good Pure Candy Net Weight 1-Lb. The H. J. Rigby Company, New York City."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy decomposed animal and vegetable substance, to wit, worm excreta.

On June 2, 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.*

**8697. Misbranding of Sirop D'Anis (Sirup of Anise). U. S. \* \* \* v. 129 Bottles \* \* \* of Sirop D'Anis. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12655. I. S. No. 906-r. S. No. E-2178.)

On May 20, 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 129 bottles of Sirop D'Anis, at Troy, N. Y., alleging that the article had been shipped on or about April 21, 1920, by J. A. E. Gauvin, Lowell, Mass., and transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: (Bottles) "For babies \* \* \* This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition \* \* \*;" (in the French language) "For babies \* \* \* This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Sleeplessness, Coughs, Colds, etc. \* \* \*;" (on paper coverings wrapped around bottles) "For babies \* \* \* This Syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc. \* \* \*;" (circulars, English) "For babies \* \* \* A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness. Recommended for babies and children when the process of dentition is painful;" (circulars, French) "For Babies, \* \* \* A preparation for soothing pain in cases of Colic, Dysentery, Colds and Chills (refroidissements). Recommended for babies and children when dentition is painful and when wanting sleep."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of morphine acetate, oil of anise, alcohol, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, printed on the bottles and wrappers, regarding the curative and therapeutic effect of the article when administered, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 31, 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.*

**8698. Misbranding of Gauvin's Cough Syrup. U. S. \* \* \* v. 25 Bottles of \* \* \* Gauvin's Cough Syrup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12656. I. S. No. 902-r. S. No. E-2165.)

On May 20, 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