

9385. Adulteration of tomato catsup. U. S. * * * v. 284 Cases * * * of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14408. I. S. No. 4921-t. S. No. C-2776.)

On March 3, 1921, the United States attorney for the Southern 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 284 cases, more or less, of tomato catsup, remaining in the cases wherein the same were shipped, at Peoria, Ill., alleging that the article had been shipped on or about December 19, 1918, by H. N. Weller & Co., Almont, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Blue Ribbon Brand Catsup."

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

On May 23, 1921, 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.*

9386. Misbranding of Boquette's Family Remedy. U. S. * * * v. 15 Bottles * * * of Boquette's Family Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14786. Inv. No. 27459. S. No. C-2973.)

On April 15, 1921, the United States attorney for the District of Nebraska, 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 15 bottles, more or less, of Boquette's Family Remedy, remaining in the original unbroken packages at Grand Island, Nebr., alleging that the article had been shipped on or about January 20, 1921, by the Boquette Remedy Co., Council Bluffs, Iowa, and transported from the State of Iowa into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "For Chills and Fever, external and internal. For Rheumatism, Neuralgia, Lumbago, Heart Trouble, * * * Indigestion, Catarrh, Kidney Trouble, Stomach Trouble, Headache, Grippe, or Blood Diseases. It is a fine purifier and Nerve Tonic. * * * for female trouble and weaknesses * * * Blood Purifier * * * For Chills, Fever, Flue, Grip * * * For Mumps * * * For Female Complaints, Stomach Trouble, Bladder Troubles, Sore Throat, Kidney Troubles, Nervous Prostration, Headaches, Lame Back, Hay Fever—For Goitre * * * Coughs, Tuberculosis, Liver, Piles * * * For Rheumatism, Paralysis, Dropsy, Inflamed and Swollen Limbs, and for Syphilis * * * Compound of Roots, Herbs, Leaves, Barks and Berries."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of Epsom salt and potassium nitrate.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements regarding its curative and therapeutic effects were false and fraudulent, since the article contained no ingredient or combination thereof capable of producing the effects claimed. Misbranding was alleged for the further reason that the statement, "Compound of Roots, Herbs, Leaves, Barks and Berries," appearing on the label, was false and misleading.