

On September 30, 1920, the Central Oil Co., Macon, Ga., having entered an appearance as claimant for the property, it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9723. Misbranding of Salax Compound. U. S. * * * v. Salax Water Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 12899. I. S. Nos. 8613-r, 8699-r.)

On November 15, 1920, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Salax Water Co., a corporation, Excelsior Springs, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 8 and 13, 1919, from the State of Missouri into the States of Nebraska and Minnesota, respectively, of quantities of Salax Compound which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of a mixture of sodium sulphate, sodium bicarbonate, and sodium hydrogen phosphate, together with smaller amounts of sodium chlorid and sodium carbonate.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Salax Compound" and "A Laboratory Salt, Whose Action Is Similar To That Of The Saline And Alkaline Waters of Excelsior Springs, Mo.," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was derived from Salax water, to wit, a mineral water at Excelsior Springs, Mo., and that it was a laboratory salt whose action was similar to that of the saline and alkaline waters of Excelsior Springs, Mo., whereas, in truth and in fact, it was not derived from Salax water, in that it was a mixture of sodium sulphate, sodium bicarbonate, and sodium hydrogen phosphate, which does not resemble in composition the Salax mineral water, and is radically dissimilar to the saline and alkaline waters of Excelsior Springs, Mo. Misbranding was alleged in substance for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effect of the article, appearing on the labels attached to the said bottles and contained in the accompanying circular, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for indigestion, catarrh of the stomach, bowels, gall ducts, and bladder, rheumatism, headache, foul breath, sleepiness, loss of energy, bad color, palpitation, nausea, inflammation of the gall bladder or ducts, appendicitis, and diseases of the kidneys and blood, when, in truth and in fact, it was not.

On December 28, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9724. Adulteration and misbranding of tomato pulp. U. S. * * * v. 23 Cases * * * of Tomato Pulp * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12901. I. S. No. 9288-r. S. No. C-1965.)

On June 16, 1920, the United States attorney for the Eastern 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 23 cases, more or less, of tomato pulp, remaining unsold in the original unbroken packages at Belleville, Ill., consigned by the Nagle & McKinney Co., Paducah, Ky., alleging that the article had been shipped from Paducah, Ky., on or about April 17, 1920, and transported from the State of Kentucky into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Nagle & McKinney * * * Tomato Pulp, Contents 11 Ounces. Packed by Nagle & McKinney Company, Paducah, Kentucky."

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

Misbranding was alleged in substance for the reason that the statement on the cans containing the article, "Contents 11 Ounces," was false and misleading and deceived and misled the purchaser in that the average weight of the contents of the said cans was 0.4 ounce short of the declared amount. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 21, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9725. Adulteration of tomato pulp. U. S. * * * v. 758 Cans * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12903. I. S. No. 10202-r. S. No. C-1966.)

On June 16, 1920, the United States attorney for the Eastern 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 758 cans, more or less, each containing 5 gallons, of tomato pulp, remaining unsold in the original unbroken packages at Gibson City, Ill., consigned by the Gaston Canning Co., Gaston, Ind., alleging that the article had been shipped from Gaston, Ind., on or about October 31, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On July 21, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9726. Adulteration of tomato pulp. U. S. * * * v. 234 Cans * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12904. I. S. No. 10203-r. S. No. C-1967.)

On June 16, 1920, the United States attorney for the Eastern 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 234 cans, more or less, each containing 5 gallons, of tomato pulp, remaining unsold in the original unbroken packages at Gibson City, Ill., consigned by the Vallonia Canning Co., Vallonia, Ind., alleging that the article had been shipped from Vallonia, Ind., on or about December 4, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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