

to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallops [scallop solids] had been in part abstracted.

On April 27, 1922, the defendant entered a plea of guilty to the information, and the court adjudged that he should be discharged upon the payment of the costs of the proceedings.

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

10478. Adulteration of scallops. U. S. * * * v. Charles Tolson. Plea of guilty. Defendant discharged on payment of costs. (F. & D. No. 15457. I. S. No. 6627-t.)

On March 22, 1922, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Tolson, Morehead City, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 16, 1921, from the State of North Carolina into the State of New York, of a quantity of an article of food, to wit, scallops, which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On April 24, 1922, the defendant entered a plea of guilty to the information, and on April 27, 1922, the court adjudged that he should be discharged upon payment of the costs of the proceedings.

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

10479. Adulteration of ice cream cones. U. S. * * * v. Armour & Co., a Corporation. Plea of guilty. Fine, \$400. (F. & D. No. 15576. I. S. Nos. 229-r, 230-r, 16588-r.)

On February 6, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Armour & Co., a corporation, doing business at Columbia, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 17, 1920, from the State of South Carolina into the State of North Carolina, of two consignments, and into the State of Georgia, of one consignment, of an article of food labeled in part "Goodie Cones," which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was partly decomposed.

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

On June 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

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

10480. Misbranding of Durand's Swiss herb tea. U. S. * * * v. 5 Dozen Packages and 11½ Dozen Packages * * * of Durand's Swiss Herb Tea. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16323, 16324. Inv. Nos. 37066, 37067. S. Nos. E-3901, E-3902.)

On May 16, 1922, the United States attorney for the Eastern 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 5 dozen packages and 11½ dozen packages of Durand's Swiss herb tea, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Durand Medicine Co., Cincinnati, Ohio, alleging that the article had been shipped from Cincinnati, Ohio, on or about April 28 (and April 1), 1922, and transported from the State of Ohio into the State of Pennsylvania, 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 of a mixture of plant drugs, including approximately 50 per cent of senna, with smaller amounts of fennel seed, orange peel, licorice root, juniper berries, althea root, saffras bark, lavender flowers, buckthorn bark, red clover tops, and saffron.

Misbranding of the article was alleged in substance in the labels for the reason that the labels and accompanying circulars contained the following statements, designs, and devices regarding the curative or therapeutic effects of the article, (wrapper label) “ * * * To be used against Headache, * * * Dizziness, Indigestion, Female Complaints, Liver and Kidney Complaints, Blood and Skin diseases, etc. * * * To Purify Your Blood, * * * Nature's Own Blood Purifier. * * * Malarial Fever, Chills, * * * Female Troubles, * * * Liver and Kidney Troubles, etc. Beautifies the Complexion. * * * For Colds, Coughs, * * * ” (small circular) “ * * * The Great Blood Purifying * * * Remedy. To be used against Colds and disorders of the Lungs, Stomach, Liver, Kidneys and Bladder; also against Headache, * * * Coughs, Dizziness, Loss of Appetite, Indigestion, Phlegm, Sleeplessness, Pale Complexion, Weakness, Pains in the Limbs, Rheumatism, Inflammation, Toothache, Blood and Skin Diseases, and Female Complaints. * * * by taking cold * * * sicknesses may result, such as fevers, measles, rheumatism, inflamed and sore throat, cough, skin diseases, boils, toothache, earache, headache, neuralgia, swollen glands and limbs, and many others. Therefore, as soon as you commence feeling badly you should at once take a cup of Durand's Tea. * * * For Use.— In all cases of Colds, Chills, Toothache, etc. * * * Cough, Hoarseness, Influenza, Phlegm, * * * Indigestion, Headache, and in General, take * * * until the desired effect is obtained. * * * a Blood Purifier and Liver Regulator, and in * * * Skin Diseases, Boils, Kidney Troubles, and all Scrofulous and Chronic Evils, * * * In case of Female Complaints, Colds and Costiveness during Pregnancy, this Tea should be made not very strong, and taken every day. All these troubles may affect the child more than they do the mother. If neglected, they may cause sores and eruptions on the child's head, face and ears, for a long time after its birth. For Imperfect or Irregular Menstruation * * * ” (circular—price list) “ * * * This tea * * * can be used in almost every case of sickness, * * * It is a valuable remedy for purifying the blood, * * * most excellent for * * * Colds, Coughs, Indigestion, Headache, Dizziness, Loss of Appetite, Fluttering at the Heart, Pains in the Back and Side, Liver and Kidney Trouble, Rheumatism, Itching of the Skin, Sallow Complexion, Heartburn, Nausea, Biliousness, and Sleeplessness. If you are suffering with Acidity of the Stomach, disgust for food, choking or suffocating sensations when in bed, dimness of vision, flatulency, hurried or difficult breathing, inward piles, fulness of blood to the head, pimples, or any of the many complaints arising from impure blood and want of action of the liver, you should at once commence taking Durand's Tea. * * * ” which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On June 5, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

10481. Misbranding of Dr. Sullivan's sure solvent. U. S. * * * v. 13 Bottles * * * of Dr. Sullivan's Sure Solvent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16139. Inv. No. 33972. S. No. C-3539.)

On April 24, 1922, 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 13 bottles of Dr. Sullivan's sure solvent, at Chicago, Ill., consigned by the Plimpton Cowan Co., Buffalo, N. Y., alleging that the article had been shipped from Buffalo, N. Y., September 26, 1921, and transported from the State of New York 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 of approximately 3 per cent of extracts