

10749. Adulteration of clams. U. S. v. 345 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16480. I. S. No. 14424-t. S. No. W-1123.)

On June 27, 1922, the United States attorney for the Northern District of California, 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 345 cases of minced clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Washington Packing Co., of Aberdeen, Wash., from Portland, Oreg., on or about June 19, 1922, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Dodge Brand Minced Clams * * *"

Adulteration of the article was alleged in the libel for the reason that water or clam juice had been mixed and packed with and substituted wholly or in part for the said article.

On July 31, 1922, Mailliard & Schmiedell, San Francisco, Calif., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,750, in conformity with section 10 of the act, conditioned in part that the said product be made to conform to the provisions of the said act, under the supervision of this department.

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

10750. Misbranding of Euca-Mul. U. S. v. 12 Dozen Bottles of Euca-Mul, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14218 to 14222, incl. S. Nos. C-2704 to C-2708, incl.)

On or about January 21, 22, and 23, 1921, respectively, 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 libels for the seizure and condemnation of 311½ dozen 16-ounce bottles and 28½ dozen 2½-ounce bottles of Euca-Mul, at Chicago, Ill., alleging that the article had been shipped by the Edward G. Binz Co., Los Angeles, Calif., on or about March 17, November 26, December 4, 5, and 6, 1920, respectively, and transported from the State of California 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 an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, appearing on the carton enclosing the article contained in the 16-ounce bottles, to wit, "Croup * * * Bronchial Asthma Tuberculosis Whooping Cough and other throat and lung affections * * * relieves * * * bronchial asthma. Especially effective in cough of phthisis and Whooping Cough * * *," and the following statements, appearing on the cartons enclosing the article contained in the 2½-ounce bottles, to wit, "Gives immediate Relief in * * * Asthma, Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble * * * excellent for all Chronic Throat and Lung troubles. It builds up resisting power in patient, controls the cough * * * Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough * * * For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption. In this trouble, use Euca-Mul * * * for the effect in the disease, regardless of the cough * * * Asthma. This disease should be treated with Euca-Mul * * * Croup * * * Euca-Mul will be appreciated in this disease. The persistent use of Euca-Mul brings the best result. * * *," regarding the curative or therapeutic effect of the said article, were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of the purchasers thereof the impression and belief that the said article was composed of, or contained, ingredients or medicinal agents or combinations of ingredients, effective as a remedy for the several diseases, ailments, and afflictions mentioned upon the respective cartons containing the said articles.

On November 14, 1921, April 21, and May 10, 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.*