

for the further reason that the 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 18, 1922, the Grays Harbor Fisheries & Packing Co., Bay City, Wash., having entered an appearance as claimant for the property through its agent, Walter C. Zinn, San Francisco, Calif., and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,752.62, in conformity with section 10 of the act, conditioned in part that the said products be made to conform to the provisions of the said act, under the supervision of and to the satisfaction of this department.

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

**10970. Adulteration and misbranding of Wood's concentrated sweetener. U. S. v. 1 5-Pound Can of Wood's Concentrated Sweetener. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 13003. I. S. No. 9352-r. S. No. C-2012.)**

On July 10, 1920, the United States attorney for the Southern District of Mississippi, 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 1 5-pound can of Wood's concentrated sweetener, remaining in the original unbroken package at Gulfport, Miss., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about June 25, 1920, and transported from the State of Missouri into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wood's Special Concentrated Sweetener 500-500 Soluble in Cold Water Not sold as a drug W. B. Wood Mfg. Co., St. Louis, \* \* \*."

Adulteration of the article was alleged in the libel for the reason that saccharin had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that it contained an added poisonous and deleterious ingredient, to wit, saccharin, which rendered said article injurious to health.

Misbranding was alleged for the reason that the statement on the label of the can containing the article, as follows, "\* \* \* Special Concentrated Sweetener 500," was false and misleading and deceived and misled the purchaser, in that the said statement represented the article as being 500 times sweeter than sugar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On July 3, 1922, the owner of the product having entered an appearance and consented to a decree, 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.*

**10971. Misbranding of Euca-Mul. U. S. v. 72 Bottles, et al, of Euca-Mul. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14253, 14254, 14255, 14270, 14271, 14272, 14273, 14274. S. Nos. C-2730, C-2731, C-2732, C-2748, C-2749, C-2750, C-2751.)**

On January 27 and 31, 1921, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 25½ dozen large bottles and 116¼ dozen small bottles of Euca-Mul, remaining unsold in the original unbroken packages, in part at Kansas City and in part at St. Joseph, Mo., alleging that the article had been shipped by Edward G. Binz, Los Angeles, Calif., between the dates of September 1 and December 20, 1920, and transported from the State of California into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Large size bottle) "Euca-Mul Binz \* \* \* Indicated In Croup Bronchitis Bronchial Asthma Tuberculosis Whooping Cough and other throat and lung affections \* \* \* relieves bronchitis and bronchial asthma. Especially effective in cough of phthisis and Whooping Cough. \* \* \* Man'f'd by Edw. G. Binz Company \* \* \* Los Angeles, Cal.," (bottle and small size carton) "Gives immediate Relief in \* \* \* 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 \* \* \*," (circular) "Will \* \* \* relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough \* \* \*, For Whooping Cough \* \* \* Use this method of treatment, regularly, and you will find that 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 \* \* \*."

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 above-quoted statements, appearing in the labels of the said bottles and cartons and in the accompanying circular, as the case might be, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the said statements.

On September 17 and 19, 1921, respectively, 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.*

**10972. Misbranding of Lukosine. U. S. v. 1 Gross Packages of Lukosine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15051. S. No. C-2908.)**

On June 21, 1921, the United States attorney for the Eastern District of Louisiana, 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 1 gross packages of Lukosine, remaining unsold in the original packages at New Orleans, La., alleging that the article had been shipped by the National Drug Co., New York, N. Y., on or about May 28, 1921, and transported from the State of New York into the State of Louisiana, 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 powder containing approximately 80 per cent of boric acid and small proportions of zinc sulphate, alum, and a salicylate, and traces of alkaloid, phenol, thymol, and menthol, colored pink.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the label of the package containing the said article, regarding its curative and therapeutic effect, "Indications Gonorrhœa, Leucorrhœa \* \* \* Inflammation of Mucous Membranes, Catarrh, Ulcers, Etc," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 12, 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.

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

**10973. Adulteration and misbranding of tomato purée. U. S. v. 1,740 Cases of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15798. S. No. C-2914.)**

On March 24, 1922, the United States attorney for the Eastern District of Louisiana, 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 1,740 cases of tomato purée, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Sisk & Son, Milton, Del., in part on or about November 1, and in part on or about November 3, 1921, and transported from the State of Delaware into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Duke of Maryland' Brand Tomato Puree \* \* \* Packed by J. B. Andrews & Co. at Hurlock, Md., U. S. A."

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.