

11479. Adulteration and misbranding of assorted jellies. U. S. v. 29 Cases and 25 Cases of Assorted Jellies. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 17448, 17449. I. S. Nos. 8249-v, 8250-v, 8701-v, 8702-v, 8742-v, 8743-v, 8744-v, 8745-v. S. Nos. W-1365, W-1366.)

On April 7, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 54 cases of assorted jellies, remaining unsold in the original unbroken packages, in part at Trinidad and in part at Denver, Colo., consigned by Libby, McNeill & Libby, in various consignments, namely, from Chicago and Blue Island, Ill., and Gibson Transfer, Ind., respectively, alleging that the articles had been shipped in part on or about July 24, and in part on or about November 1, 1922, and transported from the States of Indiana and Illinois, respectively, into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Libby's * * * Apple Jelly" (or "Apple-Strawberry Jelly" or "Apple-Currant Jelly" or "Apple-Raspberry Jelly") "* * * Packed & Guaranteed By Libby, McNeill & Libby Main Office Chicago."

Adulteration of the articles was alleged in substance in the libels for the reason that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, and for the further reason that acidified pectin jellies had been substituted wholly or in part for the fruit jellies, which the said products purported to be.

Misbranding of the articles was alleged for the reason that the statements, "Apple Jelly," "Apple-Strawberry Jelly," "Apple-Currant Jelly," and "Apple-Raspberry Jelly," appearing on the labels of the respective jars of the said jellies, were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On May 11, 1923, Libby, McNeill & Libby, Chicago, Ill., claimant, having admitted the allegations of the libels and 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 \$375, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11480. Misbranding of Kuhn's rheumatic remedy. U. S. v. 15 Dozen Bottles of Kuhn's Rheumatic Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14612, 14613. I. S. Nos. 10489-t, 10490-t. S. Nos. W-865, W-866.)

On March 9, 1921, 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 praying the seizure and condemnation of 15 dozen bottles of Kuhn's rheumatic remedy, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Kuhn Remedy Co., Chicago, Ill., in part January 7 and in part January 11, 1921, and transported from the State of Illinois into the State of California, 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 iodine, potassium iodide, plant extractives, sugar, aromatics, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that it was labeled in part on the bottle and carton as follows, "Rheumatic Remedy * * * Rheumatism, Neuralgia, Lumbago, Sciatica or Gout," which statements on the said bottle and carton were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 24, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*