

The article was labeled in part: (Can) "Spatola Pure Vegetable Oil * * * Five Gallons Net;" (case) "2 - 5 Gal. Cans."

Misbranding of the article was alleged in substance in the libels for the reason that the labeling bore the statements, "Five Gallons Net" and "2 - 5 Gal. Cans," which were false and misleading, in that the said statements represented that the cans each contained 5 gallons net of the said article, when, in fact, they did not. Misbranding was alleged 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 February 26, 1924, Felix Spatola & Son, Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$5,880, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12110. Adulteration and misbranding of canned oysters. U. S. v. 25 Cases of Canned Oysters. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 659-c. S. No. E-4143.)

On or about August 3, 1922, the United States attorney for the Southern District of Florida, acting upon a report by officers of the Department of Agriculture of the State of Florida, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of canned oysters, at Haines City, Fla., alleging that the article had been shipped by George W. Lowden, from Savannah, Ga., on or about March 8, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Palmetto Brand Oysters This Can Contains 5 Oz. Oyster Meat * * * Packed by Geo. W. Lowden Main Office, Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels bore the statement regarding the article, to wit, "This Can Contains 5 Oz. Oyster Meat," which was false and misleading and deceived and misled the purchaser.

On November 13, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12111. Misbranding of butter. U. S. v. 31 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18400. I. S. No. 17686-v. S. No. C-4292.)

On February 19, 1924, 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 praying the seizure and condemnation of 31 boxes, each containing 60 alleged 1-pound packages of butter, at Chicago, Ill., alleging that the article had been shipped by the Browerville Creamery Co., from Browerville, Minn., February 5, 1924, and transported from the State of Minnesota into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Ayrshire Brand Creamery Butter * * * Sold By H. C. Christians Co., Johnson Creek, Wis. * * * One Pound Net."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "One Pound Net," appearing upon each of the said packages, was false and misleading and deceived and misled the purchaser, in that the said statement represented that each of the packages contained 1 pound net of butter, whereas each of said packages contained less than 1 pound net. Misbranding was alleged for the further reason that the article was food in package form and did not have a statement of the contents plainly and conspicuously marked on the outside of the package in terms of weight and measure.

On February 23, 1924, the H. C. Christians Co., claimant, having admitted the material allegations in the libel and consented to the entry of 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be repacked under the supervision of this department so that each of the packages would contain 1 pound net.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12112. Adulteration and misbranding of flour. U. S. v. 160 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18113. I. S. No. 8446-v. S. No. W-1449.)

On or about December 3, 1923, the United States attorney for the Southern 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 160 sacks of flour, at Fresno, Calif., consigned by the Crown Mills, Portland, Oreg., alleging that the article had been shipped from Portland, Oreg., on or about November 9, 1923, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Crown Hard Wheat Patent Flour Crown Mills, Portland, Tacoma, Seattle 98 Pounds."

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

Misbranding was alleged for the reason that the statement, "98 Pounds," appearing in the labeling, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package containing the said article, in terms of weight and measure.

On January 28, 1924, the Allen Flour Co., San Francisco, Calif., having appeared as claimant for the property, 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be dried down and the sacks filled in a manner satisfactory to this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12113. Misbranding of Doan's kidney pills. U. S. v. 199 Dozen Packages, et al., of Doan's Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18062, 18063. I. S. Nos. 6750-v, 6751-v, 6752-v. S. Nos. C-4200, C-4202.)

On November 19 and 20, 1923, respectively, the United States attorney for the Eastern District of Missouri, 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 439 dozen small packages of Doan's kidney pills, at St. Louis, Mo., alleging that the article had been shipped by the Foster-Milburn Co., Buffalo, N. Y., in part on or about October 23 and in part on or about November 15, 1923, and transported from the State of New York into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box and wrapper) "Kidney Pills * * * acting directly on the * * * Urinary System;" (circular) (English) "Kidney Pills * * * There are certain trades in which * * * those following such trades are * * * subject to kidney troubles. In such cases. if these pills are indicated * * * increase the dose * * * when relief is noticed, the dose may be reduced * * * a good medicine," (Magyar, Swedish, German) "If you work hard or if you perform indoor work of [or] any kind of work which strains the kidneys, increase the dose," (Bohemian) "If you work hard or in closed quarters or if you perform work which affects the kidneys, increase the use of the pills," (Yiddish) "if you work hard and suffer with kidney troubles, take three pills each time until you feel better," (Polish) "if you work hard or indoors or any work which injures the kidneys, take one more, that is three pills."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of potassium nitrate, ground uva ursi leaves, a trace of a volatile oil such as turpentine or juniper oil, a resin, starch, sugar, and talc, coated with starch, sugar, and talc.