

and condemnation of 38 dozen packages of Foster's backache kidney pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Foster-McClennan [McClellan] Co., from Buffalo, N. Y., on or about August 31, 1923, and transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted of potassium nitrate, rosin, fenugreek, uva ursi, and an essential oil such as juniper or turpentine oil, coated with talc and sugar.

Misbranding of the article was alleged in the libel for the reason that the following statements, appearing in the labeling, (box and wrapper, English) "Backache Kidney Pills * * * For Kidney Complaints and diseases arising from disorders of the Kidneys & Bladder Such As Backache, Stiff, Lame or Weak Back, Cold in the Back or Kidneys, Congestion of the Kidneys, Inflammation of the Bladder, Gravel, Scalding Urine, and Urinary Troubles," (circular, English and Spanish) "Backache Kidney Pills" (Spanish "Pills for the Kidneys") "For Kidney Complaints and diseases arising from disorders of the Kidneys & Bladder * * * if relief is not noticed, increase the dose * * * When relief is noticed the dose may be reduced * * * a good medicine," (pasteboard container for one dozen, English and Spanish) "Backache Kidney Pills For the Kidneys and Bladder, Backache, etc.," together with the design or device showing a cut of a figure about waist length, rear view, slightly stooped, head turned to the right, hands pressing on flanks, and inscription on arms, shoulders, and back, "Foster's Backache Kidney Pills," regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 16, 1925, 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.

W. M. JARDINE, *Secretary of Agriculture.*

12958. Adulteration of minced clams. U. S. v. 79 and 390 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18855, 18856. I. S. Nos. 20073-v, 20074-v, 20075-v, 20253-v. S. Nos. W-1530, W-1531.)

On July 24, 1924, the United States attorney for the Western District of Washington, 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 469 cases of minced clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pioneer Packing Co., from Cordova, Alaska, June 24, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

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

On December 23, 1924, the Pioneer Packing Co., Cordova, Alaska, claimant, having admitted the allegations of the libel and having 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 \$3,000, in conformity with section 10 of the act, conditioned in part that the adulterated portion be separated from the unadulterated portion under the supervision of this department, and the adulterated portion destroyed or relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

12959. Adulteration and misbranding of butter. U. S. v. 245 Cases, et al., of Butter. Product released under bond to be reconditioned. (F. & D. Nos. 19089, 19090. I. S. Nos. 7395-v, 7394-v. S. Nos. C-4504, C-4503.)

On or about October 2 and 4, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 345 cases and 630 pounds of butter, at New Orleans, La., alleging that the article had been shipped by