

condemnation of 516 cases of 14½-ounce bottles and 229 cases of 8-ounce bottles of tomato catsup at Kansas City, Mo., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., in part on or about November 15, 1927, and in part on or about April 24, 1928, and had been transported from the State of Indiana into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Purity Brand (or "Frazier's Superfine" or "Frazier's Tomato Catsup"). The Frazier Packing Co., Elwood, Ind.;" (neck label on portion of bottles) "Absolutely pure, no preservative or artificial coloring."

It was alleged in the libels that the article was misbranded in that the statement, "Tomato Catsup," borne on the bottle and case labels, and the statement, "No preservative or artificial coloring," borne on the neck labels of a portion of the bottles, were false and misleading and deceived and misled the purchaser when applied to an article containing artificial color.

On August 25, 1928, the Frazier Packing Co., Elwood, Ind., claimant, having consented to the entry of decrees of condemnation and having executed bonds totaling \$4,000, to insure the relabeling of the product, judgments were entered finding the product misbranded, and it was ordered by the court that the said product be released to the claimant, for the purpose of relabeling in conformity with the requirements of the law, upon payment of all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15982. Adulteration and misbranding of butter. U. S. v. 4 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22858. I. S. No. 26393-x. S. No. 962.)**

On July 3, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 4 boxes of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Litchfield Creamery Co., from Litchfield, Minn., June 27, 1928, and transported from the State of Minnesota into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, and for the further reason that a valuable constituent of the article had been wholly or in part abstracted.

Misbranding was alleged for the 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, and for the further reason that the statement, "1 Lb. Net," was false and misleading and deceived and misled the purchaser.

On July 20, 1928, the Litchfield Creamery Co., Litchfield, Minn., 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 costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and it was further ordered by the court that the product be reconditioned to meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15983. Adulteration of butter. U. S. v. 22 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22867. I. S. No. 03357. S. No. 961.)**

On July 9, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 22 60-pound boxes of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Markesan Creamery, Geo. C. Johnson, proprietor, from Markesan, Wis., June 26, 1928, and transported from the State of Wisconsin into the District of Columbia, and charging adulteration in violation of the food and

drugs act. The article was labeled in part: "Markesan Creamery One Pound Pasteurized Creamery Butter, Markesan, Wisconsin."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be, and for the further reason that a valuable constituent of the article had been wholly or in part abstracted.

On July 16, 1928, Joseph S. Beall, Washington, D. C., 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15984. Misbranding of 999 nerve tonic, Prescription 999, and Prescription 999 astringent wash. U. S. v. 2¾ Dozen Boxes of 999 Nerve Tonic, et al. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22356. I. S. Nos. 96340-x, 96341-x, 96342-x. S. No. 374.)

On January 10, 1928, the United States attorney for the Southern 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 seizure and condemnation of 2¾ dozen boxes of 999 nerve tonic, 4½ dozen boxes of Prescription 999, and 6 packages of Prescription 999 astringent wash at Rock Island, Ill., alleging that the articles had been shipped by the Combination Remedy Co., Pittsburgh, Pa., on or about November 2, 1927, and had been transported from the State of Pennsylvania into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the 999 nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of nux vomica and damiana; that the Prescription 999 consisted essentially of the volatile oils of nutmeg, santal, and cubeb, copaiba, and fatty oil; and that the Prescription 999 astringent wash consisted essentially of boric acid and magnesium sulphate, colored with a coal tar color.

The labels of the articles bore the following statements which this department deemed to be false and fraudulent: (999 nerve tonic, box label) "Nerve Tonic. The ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders;" (Prescription 999, box label) "Recommended for kidney and bladder disorders. This medicine is a combination of Oil Sandalwood, Oil Cubebs, Copaiba, and other valuable Vegetable Oils which are known to give the best results in treating the disease for which this medicine is intended \* \* \* after all signs of the disease have disappeared;" (Prescription 999 astringent wash, carton) "To be used in conjunction with 999 Capsules. For Kidney and Bladder Disorders, as a wash for Irritated Membranes."

It was alleged in the libel that the articles were misbranded in violation of section 8, paragraph 3, of said food and drugs act as amended.

On April 17, 1928, no claimant having appeared for the property, judgment was entered finding that the said articles were false and fraudulent in that they contained no ingredients or combinations of ingredients capable of producing the effects claimed, and it was ordered by the court that they be condemned, forfeited, and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15985. Misbranding of Creomulsion. U. S. v. 1,000 Dozen Bottles, et al., of Creomulsion. Decrees of condemnation and forfeiture entered. Product released under bond.** (F. & D. Nos. 22741 to 22750, incl., 22752 to 22755, incl., 22772, 22778. I. S. Nos. 17444-x, 17648-x, 22252-x to 22255-x, incl. S. Nos. 754, 757, 761, 764, 783, 798.)

On or about May 7, May 8, May 10, May 11, May 14, and May 17, 1928, respectively, the United States attorneys for the Eastern District of Pennsylvania, District of Oregon, Northern District of California, District of Colorado, District of Delaware, and District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States