

the said article, and for the further reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 10, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16137. Adulteration and misbranding of citrate of magnesia. U. S. v. Max W. Robinson (New England Magnesia Co.). Plea of guilty. Fine, \$200. (F. & D. No. 22566. I. S. No. 16484-x.)

On November 21, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Max W. Robinson, trading as the New England Magnesia Co., Boston, Mass., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 26, 1927, from the State of Massachusetts into the State of Rhode Island, of a quantity of citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Solution of Citrate of Magnesia * * * New England Magnesia Co. Boston, Mass. N E M C O U. S. P. IX—Rev. Solution Citrate of Magnesia U. S. P."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation of the article, in that it contained magnesium citrate corresponding to 1.446 grams of magnesium oxide per 100 cubic centimeters, and contained in each 10 cubic centimeters total citric acid corresponding to 25 cubic centimeters of half-normal sulphuric acid, whereas said pharmacopoeia provided that solution of citrate of magnesia, to wit, solution of magnesium citrate, should contain in each 100 cubic centimeters magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide, and should contain in each 10 cubic centimeters total citric acid corresponding to not less than 28 cubic centimeters of half-normal sulphuric acid, and the standard of the strength, quality, and purity of the said article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to conform to the tests for solution of citrate of magnesia laid down in the ninth revision of the United States Pharmacopoeia and was represented to conform to the tests laid down in said pharmacopoeia official at the time of investigation of the article, whereas it did not conform to the tests laid down in said pharmacopoeia, ninth revision, and did not conform to the tests laid down in said pharmacopoeia official at the time of investigation of the article.

Misbranding was alleged for the reason that the statements, to wit, "Solution of Citrate of Magnesia U. S. P. IX—REV." and "Solution Citrate of Magnesia U. S. P.," borne on the bottles containing the article, were false and misleading in that the said statements represented that the article was solution of citrate of magnesia which conformed to the standard laid down in the ninth revision of the United States Pharmacopoeia, and was solution of citrate of magnesia which conformed to the standard laid down in the said pharmacopoeia official at the time of investigation of the article, whereas it was not solution of citrate of magnesia which conformed to the United States Pharmacopoeia, ninth revision, and was not solution of citrate of magnesia which conformed to the standard laid down in the said pharmacopoeia official at the time of investigation of the article.

On December 10, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16138. Adulteration and misbranding of canned salmon. U. S. v. 344 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23068. I. S. No. 02412. S. No. 1164.)

On September 13, 1928, the United States attorney for the District of Maine, 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 344 cases of canned salmon at Rockland, Me., alleging that the article had been shipped by Franklin H. Palmer (Inc.), from Boston, Mass.,

on or about July 18, 1928, and transported from the State of Massachusetts into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Red Rambler Brand Red Salmon;" (cans) "Red Rambler Brand Salmon * * * Red Rambler Brand Red Salmon Packed for Whitney-Ellsworth Co., Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that salmon of a different variety than red salmon, and of a lower quality than red salmon, had been mixed and packed with and substituted wholly for red salmon which the said article purported to be.

Misbranding was alleged for the reason that the designations "Red Rambler" and "Red Rambler Brand Red Salmon" were false and misleading and deceived and misled the purchaser, since the article was not red salmon but was salmon of a different variety and of a lower quality than red salmon.

On October 31, 1928, Franklin H. Palmer (Inc.), Boston, Mass., 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 \$6,000, or the deposit of collateral in like amount, conditioned in part that the said product be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16139. Adulteration of canned cherries. U. S. v. 70 Cases, et al., of Canned Cherries. Consent decrees entered ordering product released under bond to be reconditioned. (F. & D. Nos. 23103, 23104. I. S. Nos. 01682, 01685. S. Nos. 1189, 1190.)

On September 21, 1928, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 145 cases of canned cherries at Akron, Ohio, alleging that the article had been shipped by the Fredonia Salsina Canning Co. (Inc.), Fredonia, N. Y., on or about July 31, 1928, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Skylark Brand Red Sour Pitted Cherries * * * Packed by Fredonia Salsina Canning Co., Inc. Fredonia, N. Y."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 16, 1928, the Fredonia Salsina Canning Co., Fredonia, N. Y., claimant, having admitted the allegations of the libels and having consented that orders be entered in conformance with the prayer thereof, judgments were entered ordering that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that the product should not be disposed of in violation of the law, and it was further ordered by the court that the said product be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16140. Adulteration of canned corn. U. S. v. 206 Cans of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23113. I. S. No. 013826. S. No. 1205.)

On September 28, 1928, the United States attorney for the Northern District of Ohio, 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 206 cans of canned corn, remaining in the original unbroken packages at Akron, Ohio, alleging that the article has been shipped from the Morgan Packing Co., Columbus, Ind., on or about August 24, 1928, and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Betsy Ross Brand Country Gentleman Corn."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 15, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*