

were false and fraudulent in that the said article contained no ingredient or combination of ingredients, capable of producing the curative and therapeutic effects claimed for the article.

On October 11, 1919, H. Planten & Son, Brooklyn, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and the product was ordered released to the claimant on payment of the costs of the proceedings and the filing of a bond in the sum of \$100, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7732. Adulteration and misbranding of spring water. U. S. \* \* \* v. 23 Cases of Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9983. I. S. No. 7801-r. S. No. C-1135.)

On March 29, 1919, 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 a libel for the seizure and condemnation of 23 cases of water, 19 of which contained 24 bottles of water and 4 of which contained 50 bottles of water, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about February 18, 1919, by the West Baden Spring Co., West Baden, Ind., and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Renders excellent service in all nutritional disturbances such as Gout, Rheumatism, Uric Acid, Diabetes, Obesity, \* \* \* Active Cathartic West Baden Concentrated Spring Water No. 7 Fortified with Magnesium and Sodium Sulphates \* \* \* West Baden Springs Co. West Baden, Ind. U. S. A. Chas. B. Rexford, Pres. \* \* \*."

Adulteration of the article was alleged in the libel in that the article consisted in whole or in large part of a filthy, decomposed, and putrid animal and vegetable substance.

Misbranding of the article was alleged in the libel in that the statements appearing on the label on the bottle containing the article, regarding the curative and therapeutic effects of the article, were false and fraudulent.

On March 24, 1920, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

**7733. Adulteration of canned tomatoes. U. S. \* \* \* v. 50 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12543. I. S. No. 17487-r. S. No. E-2036.)

On April 7, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of canned tomatoes, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about December 13, 1919, from Norwich, Conn., and transported from the State of Connecticut into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Thomas' Best Brand Tomatoes Contents Weigh 2 lbs. Packed by W. J. Thomas & Co., Evans, W. Va., The Thomas Farm."

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

On May 21, 1920, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

**7734. Adulteration of milk. U. S. \* \* \* v. Pevely Dairy Co., a Corporation. Plea of nolo contendere to count 1 of the indictment. Fine, \$100 and costs. Remaining counts of indictment dismissed. (F. & D. No. 10403. I. S. No. 9727-p.)**

On October 9, 1919, the Grand Jurors of the United States of America within and for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment in 6 counts in the District Court of the United States for the district aforesaid, against the Pevely Dairy Co., a corporation, St. Louis, Mo., charging shipment by said company in the first count of said indictment, in violation of the Food and Drugs Act, on September 26, 1917, from the State of Illinois into the State of Missouri, of a quantity of alleged milk which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water, that it was dirty by the sediment test, and that *B. coli* were present.

Adulteration of the article was charged in the first count of the indictment for the reason that it consisted in whole or in part of a filthy and decomposed animal substance.

On May 22, 1920, a plea of nolo contendere was entered on behalf of the defendant company to count 1 of the indictment, and the court imposed a fine of \$100 and costs. The remaining counts of the indictment were dismissed.

E. D. BALL, *Acting Secretary of Agriculture.*

**7735. Adulteration and misbranding of condensed milk. U. S. \* \* \* v. John Jacobson. Tried to the court and a jury. Verdict of guilty. Defendant fined \$200. (F. & D. No. 10113. I. S. No. 9266-p.)**

On July 31, 1919, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Jacobson, Galien, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 24, 1918, from the State of Michigan into the State of Illinois, of a quantity of an article, labeled in part "Regular Condensed Milk," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	<i>Per cent.</i>
Total solids.....	32.66
Ash.....	2.12
Protein (Nx6.38).....	9.38
Lactose.....	13.34
Fat.....	7.36

Microscopical examination shows a small amount of starch present, probably corn starch. Breed count shows 40,000,000 bacteria per cc.

Adulteration of the article was alleged in the information for the reason that a valuable constituent, to wit, butter fat, had been in part removed, and that a substance, to wit, starch, had been substituted in part for condensed milk in a manner whereby the inferiority of the article was concealed. Adulteration of