

7935. Misbranding of Crystos. U. S. * * * v. H. S. Peterson & Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 8887. I. S. No. 12243-m.)

On May 29, 1918, 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 an information against H. S. Peterson & Co., a corporation, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 13, 1917, from the State of Illinois into the State of Missouri, of a quantity of an article, labeled in part "Use Crystos for Making Eye Remedy Recommended for Sore Eyes," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of boric acid, borax, and sodium chlorid, with a trace of perfume.

Misbranding of the article was alleged in the information in that the statement regarding the therapeutic or curative effects of the article, appearing on the labels on the boxes containing the article, to wit, "Eye Remedy Recommended for Sore Eyes, Granulated Eyelids, Weak Eyes, Inflamed Eyes," was false and fraudulent in that the statement was applied to the article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to purchasers of the article and to create in the minds of purchasers of the article the impression and belief that the article was composed of ingredients or medicinal agents effective as a remedy for sore eyes, granulated eyelids, weak eyes, and inflamed eyes, whereas the article contained no ingredients or medicinal agents which would be effective in accomplishing the results claimed in the above statements.

On March 23, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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

7936. Adulteration and misbranding of evaporated milk. U. S. * * * v. 100 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9374. I. S. No. 11923-p. S. No. C-918.)

On September 27, 1918, 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 100 cases of an article purporting to be evaporated milk, at St. Louis, Mo., alleging that the article had been shipped on or about June 8, 1918, by the Aviston Condensed Milk Co., Aviston, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "'Purity' Brand Evaporated Milk" and "Our 'Best' Brand Evaporated Milk, Net Weight 8 Lbs."

Adulteration of the article was alleged in the libel in that a substance, to wit, partially evaporated milk, had been mixed and packed with the article, to wit, evaporated milk, so as to reduce, lower, and injuriously affect its quality and strength, and that the partially evaporated milk had been substituted in part for evaporated milk.

Misbranding of the article was alleged in that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk. Further misbranding was alleged in that the statement on the label on the can containing the article, to wit, "Evaporated Milk," was false and misleading in that it purported to be a product known as evaporated

milk, whereas it was evaporated milk mixed with partially evaporated milk. Further misbranding of the article labeled "Purity Brand Evaporated Milk" was alleged in that the article was food in package form, and the statement of net weight or measure of the contents was not plainly and conspicuously marked thereon. Further misbranding of the article labeled "Our Best Brand Evaporated Milk" was alleged in that the article was food in package form, and was labeled as containing 8 pounds of evaporated milk, whereas the can containing the article did not contain 8 pounds of evaporated milk.

On April 4, 1920, the United Bakers' Supply Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimants upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

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

7937. Adulteration of tomato pulp. U. S. * * * v. R. E. Roberts Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 9809. I. S. No. 1031-p.)

On May 1, 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 an information against R. E. Roberts Co., a corporation, Baltimore, Md., alleging shipment by the defendant, on or about October 4, 1917, in violation of the Food and Drugs Act, from the State of Maryland into the State of New York, of a quantity of an article, labeled in part "Old Reliable Strained Tomato Trimmings and Tomato Pulp for Soup Packed by Lord-Mott Co., Inc. at Baltimore, Md., U. S. A.," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product had been manufactured from partially decayed tomatoes.

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

On May 1, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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

7938. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 2,000 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 11903, 12122. I. S. Nos. 38-r, 39-r. S. Nos. E-1926, E-1928.)

On January 28, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2,000 cases of canned tomatoes, remaining unsold in the original unbroken packages at Jersey City, N. J., alleging that the articles had been shipped on or about November 17 and 29, 1919, by Charles Webster, Sharptown, Md., and transported from the State of Maryland into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Iona Brand Tomatoes."

Adulteration of the articles was alleged in the libel in that water had been mixed and packed with, and substituted wholly or in part for, the articles. Further adulteration of the November 17, 1919, shipment was alleged in that water had been mixed and packed with the article so as to reduce, lower, and injuriously affect the quality and strength of the article.