

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the cartons containing the article and in the accompanying circular, regarding the curative and therapeutic effects thereof, to wit, (carton) "Dr. Harper's Anti-Cholera Tonic for Hogs Given to Prevent Diseases of Swine For Worms \* \* \*," (circular) "How to prevent hog cholera. About every other day give to each hog a tablespoonful of Dr. Harper's Anti cholera \* \* \* In most cases acts as a preventive to disease \* \* \* Use Anti-Cholera and you will have no sick hogs to cure. Your hogs will gain in weight and the meat will be free from disease," were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 28, 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.*

**S498. Adulteration and misbranding of tomatoes. U. S. \* \* \* v. 330 Dozen No. 3 Cans and 150 Dozen No. 2 Cans of Love Apple Brand Tomatoes. Product ordered released on bond. (F. & D. No. 11570. I. S. No. 9086-r. S. No. E-1908.)**

On or about December 27, 1919, the United States attorney for the Eastern District of Arkansas, 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 330 dozen No. 3 cans and 150 dozen No. 2 cans of tomatoes, at Walnut Ridge, Ark., consigned on or about October 3, 1919, alleging that the article had been shipped by A. W. Sisk & Son, North Wales, Md., and transported from the State of Maryland into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Love Apple Brand Tomatoes Packed by W. J. Wright & Sons, North Wales, Md."

Adulteration of the article was alleged in substance in the libel for the reason that tomato pulp had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged in substance for the reason that the label bore statements, designs, and devices regarding the article and the ingredients contained therein, to wit, "Love Apple Brand \* \* \* Tomatoes" (cut showing ripe tomatoes), which were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On September 27, 1920, A. W. Sisk & Son, North Wales, Md., having filed a claim for the goods, judgment was entered ordering the release of the product to said claimant upon payment of the costs of the proceeding and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the goods be relabeled.

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

**S499. Adulteration of oysters. U. S. \* \* \* v. Eddie D. Blount. Plea of nolo contendere. Fine, \$15. (F. & D. No. 11596. I. S. Nos. 12837-r, 13503-r, 13504-r.)**

On March 9, 1920, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eddie D. Blount, Warren, R. I., alleging shipment by said defendant, in violation of the Food and

Drugs Act, on or about March 14, 1919, from the State of Rhode Island into the State of Massachusetts, and on or about March 14 and March 15, 1919, from the State of Rhode Island into the State of New York, of quantities of oysters which were adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the product contained added water.

Adulteration of the article was alleged in the information for the reason that water had been substituted in whole or in part for oysters, which the article purported to be, and for the further reason that water had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength.

On March 15, 1920, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$15.

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

**8500. Misbranding of W. F. Gray's Genuine Ointment. U. S. \* \* \* v. 396 Packages of W. F. Gray's Genuine Ointment. Consent decreed of condemnation and forfeiture. Product released on bond. (F. & D. No. 11026. I. S. No. 7305-r. S. No. C-1390.)**

On July 28, 1919, the United States attorney for the Southern 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 for the seizure and condemnation of 396 packages of W. F. Gray's Genuine Ointment, consigned by W. F. Gray & Co., Nashville, Tenn., July 2, 1919, alleging that the article had been transported from the State of Tennessee into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Package) "\* \* \* Gray's Invaluable Genuine Ointment, Prepared and Signed by W. F. Gray, Nashville, Tenn. \* \* \* For boils and sores of all kinds, \* \* \*;" (carton) "For burns, scalds, rheumatism \* \* \* poisonous plants, broken breasts, sore nipples and carbuncles \* \* \* fistula \* \* \* injured spine, swelling of all kinds, \* \* \* sore throat \* \* \*;" (circular) "For the relief of \* \* \* Ulcers of long or short standing \* \* \* Scrofulous and other Tumors including White Swellings \* \* \* Old or Fresh Wounds, Gunshot Wounds \* \* \* Swellings and inflammations of all kinds, Rheumatic and other pains \* \* \* Scald Head, Tetter on the head or any other part of the body \* \* \* Carbuncles, Cancerous Affections, Gangrene, Eruptions of all kinds \* \* \* Dog, Snake, Spider, and other Poisonous Bites \* \* \* Sore Eyes \* \* \* Pleurisy and Pneumonia \* \* \* Splint, Wind Galls \* \* \* In early stages of inflammatory rheumatism and soreness about the breast \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of lead oxid and acetate in a base composed of animal fat, linseed oil, beeswax, and traces of turpentine.

Misbranding of the article was alleged in substance in the libel for the reason that the package and label thereof bore and contained certain statements, regarding the curative or therapeutic effect thereof, which were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed in and upon the circulars and cartons as hereinbefore set forth, and in that the article was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended.

On March 24, 1920, W. F. Gray & Co., Nashville, Tenn., claimant, having admitted the facts set forth in the libel and consented to a decree, judgment