

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the cartons and in the accompanying circulars, as aforesaid, regarding the curative and therapeutic effects thereof, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 4, 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.*

**8547. Adulteration and misbranding of tomatoes. U. S. \* \* \* v. Frank M. Collins. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 12356. I. S. No. 15933-r.)**

On September 27, 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 Frank M. Collins, Preston, Md., alleging shipment by said defendant, through his agents, W. M. Wright & Son, in violation of the Food and Drugs Act, on or about September 26, 1919, from the State of Maryland into the State of Pennsylvania, of a quantity of canned tomatoes which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

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

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," borne on the label attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomatoes, whereas, in truth and in fact, it consisted in part of added water.

On September 27, 1920, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

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

**8548. Misbranding of Hobo Kidney and Bladder Remedy. U. S. \* \* \* v. 69 Bottles of Hobo Kidney and Bladder Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12387. I. S. No. 9067-r. S. No. C-1920.)**

On April 28, 1920, 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 69 bottles of Hobo Kidney and Bladder Remedy, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hobo Medicine Co., Shreveport, La., on or about February 19, 1920, and transported from the State of Louisiana into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous liquid containing plant extractives, potassium nitrate, and benzoic and salicylic acid or their salts.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the Food and Drugs Act, as amended, in that the following statements, regarding the curative and therapeutic effects thereof, were false and fraudulent: (Carton) " \* \* \* Kidney and Bladder Remedy \* \* \* Bright's Disease

acute & chronic Cystitis renal & vesical pus or blood in urine. Incontinence, albuminuria & ailments caused from defective (kidney & bladder) elimination \* \* \* One of the greatest alteratives \* \* \* back-ache, persistent headache, dizziness, forgetfulness, weakness, and rheumatism when caused by disordered kidneys, the same being true of inflammation of the bladder \* \* \*."

On June 25, 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.*

**8549. Adulteration of canned salmon. U. S. \* \* \* v. 500 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12390 I. S. No. 6509-r. S. No. C-1928.)**

On April 30, 1920, the United States attorney for the Eastern District of Louisiana, 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 500 cases of canned salmon, shipped January 25, 1919, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Southern Alaska Canning Co., Seattle, Wash., and transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Daybreak Brand Chum Salmon \* \* \* Packed by Wiese Packing Co., Dall Island, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 30, 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.*

**8550. Adulteration of milk. U. S. \* \* \* v. John A. Fruit. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 10339. I. S. No. 10471-p.)**

On October 9, 1919, the Grand Jurors of the United States within and for the 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 the District Court of the United States for said district against John A. Fruit, Fruit, Ill., charging shipment by said defendant, in violation of the Food and Drugs Act, on August 17, 1917, from the State of Illinois into the State of Missouri, of a quantity of 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 and was filthy.

Adulteration of the article was alleged in the indictment for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and water had been substituted in part for milk, which the article purported to be. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy animal substance.

On September 14, 1920, the defendant entered a plea of nolo contendere to the indictment, and the court imposed a fine of \$50 and costs.

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