

of protein and 5.50 per cent of fat, and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the article contained not less than 36 per cent of protein and 5.50 per cent of fat, and not more than 14 per cent of fiber, whereas, in fact and in truth, it contained less than 36 per cent of protein and 5.50 per cent of fat, and more than 14 per cent of fiber.

On April 8, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**9003. Misbranding of Gillen's Cholera Remedy. U. S. \* \* \* v. 94 Cases of Gillen's Cholera Remedy. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11071. I. S. Nos. 9413-r, 9414-r. S. No. C-1411.)**

On August 13, 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 94 cases of Gillen's Cholera Remedy, remaining unsold in the original unbroken packages at St. Louis and Creve Coeur, Mo., alleging that the article had been shipped by the Gillen Remedy Co., Atlanta, Ga., on or about May 11 and June 6, 1919, and transported from the State of Georgia into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Gillen's Cholera Remedy For Hogs and Chickens \* \* \* For Hogs: When afflicted with cholera, \* \* \* As a preventive for cholera and to remove worms and as a general tonic give two doses a week. For Fowls: When afflicted with cholera, sorehead and roup, and white diarrhoea in little chicks, give \* \* \* twice a day \* \* \*. As a Preventive for cholera, sorehead and roup, \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of saponified tar oil and sodium sulphate.

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, for the reason that the following statements regarding the curative and therapeutic effects thereof were false and fraudulent: "\* \* \* Gillen's Cholera Remedy. To keep hogs in a good, healthy condition, \* \* \* If cholera appears in your herd, \* \* \* give all Gillen's Cholera Remedy immediately, \* \* \* If you have a hog that has gotten so badly afflicted that he cannot eat, give Gillen's Cholera Remedy \* \* \*"

On September 22, 1920, the United States Remedies Co., Atlanta, Ga., 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,800, in conformity with section 10 of the act, conditioned in part that the goods be relabeled.

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

**9004. Adulteration and misbranding of tomatoes. U. S. \* \* \* v. 350 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 11871, 11872, 11873. I. S. No. 13989-r. S. No. E-1922.)**

On January 7, 1920, the United States attorney for the Eastern District of New York, 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 350 cases of canned tomatoes, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Charles Webster, from Sharps-town, Md., and transported from the State of Maryland into the State of New York, the consignment arriving between December 3, 1919, and December 11, 1919, and charging adulteration and misbranding in violation of the Food and Drugs Act. The

article was labeled in part, "Rose Hill Brand Tomatoes. Packed by Chas. Webster, at East New Market, Md."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed with and substituted wholly or in part for tomatoes.

Misbranding was alleged in substance for the reason that the package or label of the article bore statements, designs, and devices regarding said article or the ingredients or substances contained therein, to wit, "Rose Hill Brand Tomatoes," and a cut of a whole ripe tomato, which were false and misleading and deceived and misled the purchaser, and for the further reason that the said article was an imitation of, and offered for sale under the distinctive name of, another and different article.

On March 3, 1920, the said Charles Webster, claimant, having admitted the truth of the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that the product be relabeled by said claimant at his own expense, under the supervision of this department.

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

**9005. Adulteration of salmon. U. S. \* \* \* v. 4,800 Cans \* \* \* of Invincible Brand Medium Red Salmon, 9,600 \* \* \* Cans of Choice Oregon Salmon, 200 Cases of \* \* \* Cape Aragon Brand Choice Red Salmon, 400 Cases of \* \* \* Invincible Brand Medium Red Salmon, 2,400 \* \* \* Cans of Invincible Brand Choice Oregon Salmon, 2,400 \* \* \* Cans of Cape Aragon Brand Choice Red Salmon, and 150 Cases of \* \* \* Cape Aragon Brand Choice Red Salmon. Default decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 12133, 12233, 12234, 12527. I. S. Nos. 5229-r, 2844-r, 2845-r, 2847-r, 2846-r, 5230-r. S. Nos. W-573, W-583, W-589.)**

On February 4, 1920, March 9, 1920, and March 23, 1920, the United States attorney for the District of Utah, 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 4,800 cans of Invincible Brand Medium Red Salmon, 9,600 cans of Choice Oregon Salmon, and 200 cases of Cape Aragon Brand Choice Red Salmon, 400 cases of Invincible Brand Medium Red Salmon, 2,400 cans of Invincible Brand Choice Oregon Salmon, 2,400 cans of Cape Aragon Brand Choice Red Salmon, and 150 cases of Cape Aragon Brand Choice Red Salmon, remaining in the original unbroken packages at Salt Lake City and Ogden, Utah, alleging that the article had been shipped on or about October 9, 1919, by the Tallant-Grant Packing Co., Astoria, Oreg., and transported from the State of Oregon into the State of Utah, and charging adulteration in violation of the Food and Drugs Act.

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

On October 9, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal. On December 10, 1920, the decrees of destruction theretofore entered were amended by order of the court so as to provide for the sale of the goods for a sum not less than the cost of storage, the purchaser of the same to furnish good and sufficient bond in the aggregate sum of \$5,000, conditioned that the salmon be disposed of and used for stock feeding and for no other purpose, and that it be not disposed of in violation of the Food and Drugs Act.

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

**9006. Adulteration of shell eggs. U. S. \* \* \* v. Hyman Brody (Farmers Store). Flea of guilty. Fine, \$1. (F. & D. No. 12336. I. S. Nos. 18783-r, 18785-r.)**

On May 24, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hyman Brody, trading as