

ment and cure of the ailments and diseases for which it was prescribed and recommended.

On October 25 and March 10, 1920, respectively, 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.

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

**9023. Adulteration and misbranding of tuna fish. U. S. \* \* \* v. 233 Cases, 2,500 Cases, 664 Cases, and 249 Cases of Tuna Fish. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12016 to 12059, incl., 12073 to 12087, incl. I. S. Nos. 13523-r, 14151-r, 13525-r, 14158-r, 14159-r. S. Nos. E-1910, E-1913, E-1973, E-1976.)**

On January 9 and February 13, 1920, the United States attorney for the Northern 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 libels for the seizure and condemnation of 233 cases, 2,500 cases, 664 cases, and 249 cases of tuna fish, at various places in the Northern District of New York, alleging that the article had been shipped by the White Star Canning Co., E. San Pedro, Calif., on or about September 25, October 2, September 23, and September 13, 1919, respectively, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part, "Radio Brand Blue Fin Tuna \* \* \* White Meat Tuna \* \* \* Selected White Meat of California Tuna \* \* \* White Star Canning Co. San Pedro, Cal." The remainder was labeled in part, "Del Monte Brand California Tuna \* \* \* California Tuna \* \* \* Distributed by California Packing Corporation, Main Office San Francisco, California."

Adulteration of the article was alleged in the libels for the reason that skip-jack or bonita, in the case of the Del Monte brand, or striped tuna (*Gymnosarda peltamis*), in the case of the Radio brand, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted wholly or in part for California tuna.

Misbranding was alleged in substance for the reason that the labeling bore statements, designs, and devices regarding the article or the ingredients or substances contained therein which were false and misleading and which were intended to and would deceive and mislead the purchaser into the belief that the article was genuine blue fin, white meat tuna, i. e., selected white meat of California tuna, whereas, in truth and in fact, it was not, but was other and inferior meats of other kinds of fish, and for the further reason that it was sold in imitation of another article having a distinctive name.

On March 20 and March 23, 1920, the White Star Canning Co., E. San Pedro, Calif., claimant, having admitted the allegations of the libels and consented to the entry of decrees, 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 bonds in the aggregate sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the goods be relabeled under the supervision of this department.

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

**9024. Adulteration and misbranding of olives. U. S. \* \* \* v. 101 Barrels \* \* \* and 95 Kegs \* \* \* of Olives. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12514. I. S. No. 9519-r. S. No. C-1892.)**

On or about March 20, 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 101 barrels, 30 gallons each, and 95 kegs, 16 gallons each, invoiced as 32,033 pounds,

net weight, of olives, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Sam Streva, Los Angeles, Calif., on or about January 21, 1920, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that brine had been substituted in part for olives.

Misbranding of the article was alleged for the reason that the statement of weight marked on the packages was false and misleading and deceived and misled the purchaser, since the weight stated included 5,627 pounds of brine. Misbranding was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On April 23, 1920, A. Paterno & Sons, New Orleans, La., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings, and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be correctly relabeled.

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

**9025. Misbranding of Thomas Emmenagogue Pills. U. S. \* \* \* v. 4 Boxes \* \* \* of Thomas Emmenagogue Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13491. I. S. No. 443-t. S. No. C-2338.)**

On October 21, 1920, the United States attorney for the Western District of Oklahoma, 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 4 boxes of Thomas Emmenagogue Pills, remaining unsold in the original unbroken packages at Erick, Okla., alleging that the article had been shipped by the Palestine Drug Co., St. Louis, Mo., on or about January 14, 1920, and transported from the State of Missouri into the State of Oklahoma, 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 the pills consisted essentially of ferrous sulphate, aloes, and an unidentified alkaloid.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements of the curative and therapeutic effects thereof, (box label) "Emmenagogue Pills recommended for Amenorrhoea, \* \* \* and other Menstrual Troubles. \* \* \* beginning treatment \* \* \* before the regular monthly period. \* \* \* continue \* \* \* until relief is obtained," were false and fraudulent, since the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On January 10, 1921, 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.*

**9026. Misbranding of Lozon Pills. U. S. \* \* \* v. 47 Packages of Lozon Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13514. I. S. No. 5129-t. S. No. E-2642.)**

On August 26, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 47 packages of Lozon Pills, consigned by the Lafayette Co., Berlin, N. H., on or about April 24, 1920, remaining