

filed in the District Court of the United States for said district a libel for the seizure and condemnation of 275 sacks, more or less, of cottonseed meal, remaining in the unbroken packages at Lawrence, Kans., alleging that the article had been sold by S. P. Davis, Little Rock, Ark., to a firm in Lawrence, Kans., and packed and shipped by the United Oil Mills, Ashdown, Ark., on or about October 27, 1920, and transported from the State of Arkansas into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "100 Pounds * * * Good Luck Brand Cotton Seed Meal S. P. Davis, Shipper, 207-208-209 Southern Trust Bldg., Little Rock, Ark."

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted label was false and calculated to induce the purchaser to believe that each of the said sacks contained 100 pounds of cottonseed meal, and that S. P. Davis of Little Rock, Ark., was the shipper of the article, whereas, in truth and in fact, each of said sacks contained a much less quantity than 100 pounds, and the said article was not shipped by S. P. Davis, but was shipped by the United Oil Mills of Ashdown, Ark.

On January 25, 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 sold, the purchaser to execute a bond in the sum of \$500, conditioned in part that the product be relabeled so as to show the true nature and amount of the contents of the said sacks, and further conditioned that it be not sold or offered for sale in violation of Federal or State law.

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

9331. Adulteration and misbranding of Canada Cod. U. S. * * * v. 8 Boxes, 30 Boxes, 10 Boxes, 25 Boxes, 15 Boxes, 7 Boxes, 10 Boxes, and 10 Boxes of Canada Cod. Consent decree of condemnation and forfeiture with respect to greater portion. Same released under bond. Default decree of condemnation, forfeiture, and destruction with respect to a small portion. (F. & D. Nos. 11934, 11935, 11936, 12212, 12213, 12214, 12244, 12245. I. S. Nos. 13323-r, 13325-r, 12579-r, 13216-r, 13217-r, 13218-r, 12793-r, 12794-r. S. Nos. E-1962, E-1963, E-1964, E-1996, E-1997, E-1998, E-1985, E-1986.)

On February 11, February 20, and March 2, 1920, respectively, 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 libels of information against 8 boxes, 30 boxes, 10 boxes, 25 boxes, 15 boxes, 7 boxes, 10 boxes, and 10 boxes of Canada Cod, at New Bedford, Brockton, Fall River, Lynn, and Boston, Mass., consigned by the Beaver Harbour Trading Co., Eastport, Me., and St. John, N. B., between the dates October 29, 1919, and December 16, 1919, alleging that the article had been shipped from Eastport, Me., and transported from the State of Maine into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Canada Cod."

It was alleged in the libel that the article was adulterated in that hake had been substituted wholly for cod.

Misbranding was alleged in substance for the reason that the statement on the package containing the article, "Canada Cod," was false and misleading in that the said article was not cod. Misbranding of a portion of the article was alleged for the further reason that it was an imitation of, and offered for sale under the distinctive name of, another article.

On April 28, 1920, the George Wm. Bentley Co., 192 State St., Boston, Mass., having entered an appearance as claimant for the greater portion of the product and having filed a good and sufficient bond, in conformity with section 10 of the act, judgment was entered declaring the product to be adulterated and misbranded as charged in the libel of information and condemning the same, and it was ordered by the court

that the product be released to said claimant upon payment of the costs of the proceedings. On February 10, 1921, no claimant having appeared for the portion of the product libeled as 15 boxes of Canada Cod, at Lynn, Mass., 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.*

9332. Misbranding of Gauvin's Cough Syrup. U. S. * * * v. 87 Bottles of Gauvin's Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12861. I. S. No. 449-r. S. No. E-2344.)

On June 12, 1920, the United States attorney for the District of Connecticut, 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 87 bottles of Gauvin's Cough Syrup, remaining unsold in the original unbroken packages at Willimantic, Conn., alleging that the article had been shipped by J. A. E. Gauvin, Lowell, Mass., on or about August 7, 1919, and transported from the State of Massachusetts into the State of Connecticut, 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 extractives of wild cherry bark and spruce gum, sugar, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the bottles and cartons containing the article and the accompanying circular bore, among other important false and fraudulent statements regarding the cure and mitigation of certain diseases, the following statements regarding its therapeutic effects, to wit: (Bottle) “* * * For babies * * * lagrippe, whooping cough and all affections of the throat and lungs * * *;” (carton, English and French) “* * * Recommended For * * * ‘la Grippe,’ Whooping Cough and all Throat and Pulmonary Diseases. * * * A safe and active Remedy for all Diseases of the Respiratory Organs: * * * La Grippe, Whooping-Cough and all Throat and Lung Diseases * * *;” (circular) “* * * Successfully used in all affections of the Throat, Bronchi and Lungs. * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * Tuberculosis * * * ailments of the Chest; * * * Spasmodic Coughs, * * *,” (French) “* * * Used against all Affections of the Throat, Bronchi and Lungs. * * * Gauvin's Cough Syrup is fully indicated for treatment of the most serious cases of Colds, Bronchitis, the most obstinate Catarrhs, Asthma, Whooping-Cough, Grippe, Hoarseness, Influenza and the first stages of Consumption * * * Tuberculosis and * * * Epidemic Grippe * * * Diseases of the Chest * * * Gastric Disorders * * *.”

On September 15, 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.*

9333. Adulteration and misbranding of Salt-Sulphur Water. U. S. * * * v. 5 Barrels of Salt-Sulphur Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13753. I. S. No. 6259-t. S. No. E-2794.)

On October 5, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on November 22, 1920, an amended libel, for the seizure and condemnation of 5 barrels of Salt-Sulphur Water, remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped by the Salt-Sulphur Water Co., Excelsior Springs, Mo., on or about August 20,