

9347. Adulteration and misbranding of tomato catsup. U. S. * * * v. 16 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14212. I. S. No. 6489-t. S. No. E-3055.)

On January 20, 1921, 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 16 cases, each case containing a number of bottles, of tomato catsup, remaining unsold in the original unbroken packages at New Britain, Conn., alleging that the article had been shipped by R. Rizzo (foreman of Thomas Page), Albion, N. Y., on or about October 28, 1920, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Royal Kitchen * * * Tomato Catsup * * * Royal Kitchen Brand Tomato Catsup is made from selected tomatoes guaranteed free from any artificial coloring or any other injurious substances. Contents 10 oz. * * * Packed By Thomas Page, Albion, N. Y. * * *."

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

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 14, 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.*

9348. Misbranding of Pildoras Uriseptic. U. S. * * * v. 12 Dozen Bottles and 35 Bottles of Pildoras Uriseptic. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 14264, 14278. I. S. Nos. 9759-t, 9767-t. S. Nos. E-3018, E-3067.)

On January 25 and 28, 1921, respectively, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on February 12, 1921, an amended libel in the latter case, for the seizure and condemnation of 12 dozen bottles and 35 bottles of Pildoras Uriseptic, remaining in the original unbroken packages at San Juan and Mayaguez, P. R., respectively, alleging that the former had been shipped by the France and New York Medicine Co., New York, N. Y., on or about July 22, 1920, and that the latter had been shipped by the Davis & Lawrence Co., New York, N. Y., on or about November 30, 1920, and that both consignments had been transported from the State of New York into the Island of Porto Rico, and charging misbranding in violation of the Food and Drugs Act, as amended. The consignment of July 22 was labeled in part: (Bottle label, in Spanish) "Uriseptic Pills. Used in the treatment of gonorrhœa, inflammations of the bladder or urethra and other forms of secondary diseases which usually follow blennorrhagic infection. * * * Uriseptic Pills * * * Anti-Gonorrhœic, * * *." The consignment of November 30 was labeled in part: (Carton) "Uriseptic Pills, Antiseptic, Anti-Gonorrhœal, Diuretic, Resolvent * * * By purchasing this original package the public are enabled to obtain the standard remedy for the treatment of the above complaints, * * *" (similar statements in Dutch, French and Spanish); (bottle) "Uriseptic Pills. Anti-Gonorrhœal, Diuretic, Antiseptic, Resolvent. * * * cannot be surpassed by any other for the treatment of Gonorrhœa, or in the treatment of chronic or acute inflammations of the Bladder or urethra and other forms of secondary diseases which generally result from blennorrhagic infection * * *;" (circular) "* * * Uriseptic Pills * * * Used in the treatment of Gonorrhœa, Diuretic, Antiseptic, Resolvent. * * * If Uriseptic Pills are taken regularly, the disease

is attacked in a rational way, and beneficial results may be expected in ordinary cases. Frequently chronic cases—those which have been treated with injections or which have not been attended regularly—will yield, with the use of Uriseptic Pills. * * * In many cases in which the patient conducts himself properly, that is, abstaining from alcoholic drinks, violent exercise, and taking Uriseptic Pills as per instructions, the results are beneficial. Uriseptic Pills are likewise used in acute as well as in chronic cases, since they counteract the disease in a purely natural manner. * * * In Cystitis * * * Uriseptic Pills may be used. * * * Uriseptic Pills, * * * represent modern ideas of treatment. Uriseptic Pills exert no prejudicial action on the stomach and do not derange digestion. * * * Uriseptic Pills—a formula which represents efficacious agents to combat this disease—in the hands of the most experienced and conscientious physicians. Uriseptic Pills will be found of value * * *.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of cubebs, methylene blue, salol, and kava kava.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof were false and fraudulent, as the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 14, 1921, the Davis & Lawrence Co., New York, N. Y., claimant, having consented to the entry of decrees in the respective cases, and having failed to deny the allegations contained in the libels, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$200, in conformity with section 10 of the act.

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

9349. Adulteration and misbranding of vinegar. U. S. * * * v. 57 Barrels of Vinegar * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14677. I. S. No. 13153-t. S. No. E-3195.)

On March 24, 1921, the United States attorney for the District of Maine, 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 57 barrels of vinegar, consigned by the National Vinegar Inc., per J. C. Voseburgh, Canajoharie, N. Y., remaining unsold in the original unbroken packages at Portland, Me., alleging that the article had been shipped from Canajoharie, N. Y., on or about October 30, 1920, and transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, “New York State Pure Cider Vinegar reduced to New York State Standard 4 Per Centum.”

Adulteration of the article was alleged in the libel for the reason that apple waste vinegar had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statement appearing on the label, to wit, “New York State Pure Cider Vinegar,” was false and misleading and deceived and misled the purchaser, for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement appearing thereon was incorrect and not in the correct form.