

condemnation of 13½ dozen 16-ounce size and 44 dozen 2½-ounce size bottles of Euca-Mul, consigned by the Edward G. Binz Co., Los Angeles, Calif., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the articles had been shipped on or about February 9, July 8, November 8, and November 15, 1920, and transported from the State of California into the State of Colorado, 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 was an emulsion consisting essentially of reducing sugars, glycerin, gum, oil of eucalyptus, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the following statements regarding the curative and therapeutic effects of said drugs, to wit, (16-ounce bottle label) * * * Indicated In Croup * * * Bronchial Asthma Tuberculosis Whooping Cough And Other Throat and Lung Affections * * * relieves * * * bronchial asthma. Especially effective in cough of phthisis and Whooping Cough," (2½-ounce bottles and cartons inclosing same) "* * * Gives immediate Relief in * * * Asthma, Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble * * * excellent for all Chronic Throat and Lung Troubles. It builds up resisting power in patient, controls the cough * * *," (circular accompanying each carton) "* * * Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough * * * For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect in the disease, regardless of the cough, * * * Asthma This disease should be treated with Euca-Mul, * * * Croup * * * Euca-Mul will be appreciated in this disease * * * The persistent use of Euca-Mul brings the best result * * *," were false and fraudulent in that said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 31, 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.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9404. Adulteration and misbranding of canned salmon. U. S. * * * v. 1,540 Cases of Canned Salmon * * *. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 14431. I. S. No. 10545-t. S. No. W-867.)

On or about February 8, 1921, the United States attorney for the Western District of Washington, 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 1,540 cases of canned salmon, labeled in part, "Pal Brand," remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped from Drier Bay, Alaska, by the Central Alaska Fisheries, Inc., Berkeley, Calif., and transported from the Territory of Alaska into the State of Washington, the shipment having arrived on or about August 22, 1920, and charging adulteration and misbranding in violation of the Food and Drugs Act.

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.

Misbranding was alleged for the reason that the statement on the label, "Superior Firm Flake Pink Alaska Salmon * * * Packed for the Best Trade," was false and misleading and deceived and misled the purchaser.

On or about March 11, 1921, the said Central Alaska Fisheries, Inc., claimant, having admitted the allegations of the libel, 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 \$7,500, in conformity with section 10 of the act, said bond to be conditioned in part that the claimant dispose of the product as animal food under the direction of or to the satisfaction of, and with the approval of, this department.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9405. Adulteration and misbranding of Lyons Nonalcoholic Port Wine Punch, Elberta Punch, Muscadine Punch, and Cherry Tip. U. S. * * * v. 16 Gallons * * * of Port Wine Punch, 16 Gallons * * * of Elberta Punch, 16 Gallons * * * of Muscadine Punch, and Three 16-Gallon Kegs * * * of Beverage. Default decrees of condemnation and forfeiture. Products ordered destroyed. (F. & D. Nos. 14446, 14447, 14448, 14449. Inv. Nos. 27330, 27333, 27334, 27335, 27336, 27337. S. Nos. C-2787, C-2788, C-2789, C-2790.)

On March 5, 1921, the United States attorney for the Eastern District of Arkansas, 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 certain quantities of alleged beverage, labeled in part, respectively, "Lyons Non-alcoholic Port Wine Punch," or "Elberta Punch," or "Muscadine Punch," or "Cherry Tip," as the case might be, "Artificially colored and flavored. Stimulating and refreshing. The Lyons Brothers Company, Atlanta, Georgia, and Dallas, Texas," at Little Rock, Ark., consigned by the Lyons Bros. Co., Dallas, Tex., alleging that the articles had been shipped on or about September 16, September 17, and October 27, 1920, and transported from the State of Texas into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in substance in the libels for the reason that they were artificially colored and artificially flavored and sweetened with saccharin, which had been mixed and packed with, and substituted wholly for, the article, and for the further reason that said articles were mixed and colored in a manner whereby damage and inferiority were concealed, and further that said articles contained an added poisonous or deleterious ingredient, saccharin, which might render the articles injurious to health.

Misbranding of the articles was alleged in substance in the libels for the reason that there appeared on the kegs containing all the articles, except the Cherry Tip, the following statements, "Notice. The State of Texas, County of Dallas. Personally appeared before me a notary public in and for Dallas County, Texas, W. J. Lyons, Manager of the Lyons Brothers Company, Dallas, Texas, shippers of this keg of goods and swears upon his oath that the contents of this keg * * * is not in violation of any laws of any State, * * * W. J. Lyons. Sworn and subscribed before me this 21st day of February A. D. 1919, Jas. R. Cocke, Jr., Notary Public, Dallas County, Texas," and on the keg containing the Cherry Tip the statement "Cherry Tip," all of which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that each of the articles was an imitation of, and offered for sale under the distinctive name of, another article, and 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.