

On May 15, 1922, Isador Haber, New York, N. Y., claimant, having consented to an entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered and released to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$323.50, conditioned in part that the product should not be disposed of unless rebranded and properly marked to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10778. Misbranding of alfalfa meal. U. S. v. The Denver Alfalfa Milling & Products Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15467. I. S. Nos. 7844-t, 7849-t, 14859-t.)**

On January 24, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Denver Alfalfa Milling & Products Co., a corporation, Lamar, Colo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 26, November 27, and December 13, 1920, respectively, from the State of Colorado into the States of Pennsylvania and Tennessee, respectively, of quantities of alfalfa meal which was misbranded.

Misbranding of the article was alleged in the information for the 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.

On May 11, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10779. Adulteration and alleged misbranding of tomatoes. U. S. v. 698 Cases of Foote's Best Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 15534. I. S. Nos. 8509-t, 8510-t. S. No. E-3632.)**

On November 7, 1921, the United States attorney for the Eastern District of Virginia, 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 698 cases of tomatoes, remaining unsold in the original packages at Petersburg, Va., alleging that the article had been shipped on August 19, 1921, by D. E. Foote & Co., Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Compass Brand Tomatoes Packed by D. E. Foote and Co., Inc. \* \* \* Baltimore, Md."

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the article were false and fraudulent (misleading), since said article contained added diluted purée pulp or core juice and skin.

On December 15, 1921, D. E. Foote & Co., Inc., claimant, having admitted the material allegations of the libel, the court found the product to be adulterated, and ordered it to be confiscated and condemned. It was provided, however, that the article might be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$1,500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10780. Misbranding of Vitalo. U. S. v. 10 Bottles of Vitalo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15732. S. No. C-3356.)**

On or about December 10, 1921, the United States attorney for the Northern District of Alabama, 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 10 bottles of Vitalo, remaining in the original packages at Birmingham, Ala., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about October 29, 1920, and transported from the State of Missouri into the State of Alabama, 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 of extracts of plant drugs, including damiana and nux vomica, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the curative and therapeutic effect of the said article, appearing on the labels of the bottle and carton containing the article, " \* \* \* \* \* Vitale \* \* \* A Nerve and Muscle Tonic \* \* \*," and the additional statements appearing on the said carton, " \* \* \* Remedy \* \* \* For General Weakness \* \* \* Nervous Debility \* \* \* For the Nerves, Brain and Muscles \* \* \* " were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 16, 1922, 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.*

**10781. Adulteration and misbranding of neosalvarsan. U. S. v. 1047 Packages of Neosalvarsan. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15786. I. S. Nos. 9807-t, 9808-t. S. No. E-3808.)

On March 20, 1922, the United States attorney for the District of Porto Rico, 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 1047, more or less, packages of an article purporting to be neosalvarsan, remaining unsold in the original packages at Caguas, Porto Rico, alleging that the article had been transported into Porto Rico, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that a portion of it consisted of sodium chlorid, and that the remainder consisted of sodium bicarbonate, colored yellow with methyl orange.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard of quality under which it was sold.

Misbranding was alleged for the reason that the statement "Neosalvarsan" was false and misleading, and for the further reason that the article was an imitation of another article.

On August 1, 1922, 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.*

**10782. Adulteration of oranges. U. S. v. 12 Dozen Boxes of Decomposed Oranges. Consent decree of condemnation and forfeiture. Product released on bond for sorting and destruction of the adulterated oranges.** (F. & D. No. 15790. I. S. No. 11194-t. S. No. W-1058.)

On March 21, 1922, the United States attorney for the District of Oregon, 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 12 dozen boxes of decomposed oranges, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped on March 6, 1922, by the Riverside Heights Orange Growers Assoc., Riverside, Calif., and transported from the State of California into the State of Oregon, and charging adulteration in violation of Food and Drugs Act. The article was labeled in part: "W Navels Pepper Leaf Brand Riverside Heights Orange Growers Association, Riverside, Calif."

Adulteration of the article was alleged in the libel for the reason that decomposed and frozen and dried oranges had been substituted for normal oranges of good commercial quality.

On April 3, 1922, the California Fruit Growers Exchange, claimant, having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant, or any of its duly authorized agents, upon the 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 sorted under the supervision of this department, and it was further ordered that the frozen and damaged oranges be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*