

Misbranding was alleged in substance for the reason that the statements appearing on the label on the keg containing the article, " * * * Artificial Flavor And Color Red Grape Cordial Flavor * * * Guarantee The contents of this package guaranteed to comply with all laws," were false and misleading and deceived and misled the purchaser, for the further reason that the article 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 label thereof.

On September 29, 1921, no claimant having appeared for the property, judgment of the court was entered finding the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10853. Adulteration of tomato catsup. U. S. v. 210 Cases of Catsup. Decree ordering release of product under bond. (F. & D. No. 14657. I. S. No. 2987-t. S. No. C-2888.)

On March 22, 1921, the United States attorney for the Western 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 210 cases of catsup, at Shreveport, La., alleging that the article had been shipped by J. T. Polk Co., from Mound City, Ill., on or about November 23, 1920, and transported from the State of Illinois into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Contents One Pound Avd. Polk's Best Catsup J. T. Polk Co., Chicago."

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 vegetable substance.

On October 15, 1921, the Sears & Nichols Canning Co. (successors to the J. T. Polk Co.) having intervened as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the bad portion be segregated by the said claimant from the good portion and destroyed and that the portion considered to be good by said claimant be released only upon examination and approval of this department, and that the said claimant be permitted to salvage all bottles, screw caps, boxes, and fillers of the goods.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10854. Misbranding of Garren's blood purifier and tonic. U. S. v. 305 Dozen Bottles of Garren's Blood Purifier and Tonic. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 14787. S. No. E-3317.)

On April 14, 1921, the United States attorney for the Eastern District of South Carolina, 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 305 dozen bottles of Garren's blood purifier and tonic, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped on or about March 1, 1921, by the Asheville Medicine Co., from Hendersonville, N. C., and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cartons) "Blood Purifier * * * for Indigestion, Dyspepsia, Nervousness, Weakness, * * * Disorders of the Blood, * * * Impure Blood, * * * for Pimples, Blotches, Tumors, Boils, Ringworm, Scrofula, Ulcers and Syphilis. * * * Indigestion * * * Powerful purifier of the blood;" (bottles) "Blood Purifier, * * * Indigestion, * * * A Purifier of the Blood, * * * Impurities of the Blood."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs, including hydrastis, a benzoate, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the words and figures so marked, branded, and labeled in and upon the said cartons and bottles aforesaid, regarding the curative and therapeutic effects of such article, were false and fraudulent.