

branding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Emmenagogue Pills recommended for Amenorrhoea, Dysmenorrhoea and other Menstrual Troubles. * * * beginning treatment * * * before the regular monthly period. * * * continue * * * until relief is obtained."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the box containing the said article were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On February 12, 1923, 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.*

11275. Misbranding of mixed sour pickles and sour gherkins. U. S. v. 8 Cases of Mixed Sour Pickles and 4 Cases of Sour Gherkins. Products ordered released. (F. & D. No. 15968. I. S. Nos. 18227-t, 18228-t. S. No. C-3012.)

On February 3, 1922, the United States attorney for the Northern District of Texas, 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 8 cases of mixed sour pickles and 4 cases of sour gherkins at Fort Worth, Tex., alleging that the articles had been shipped by the California Packing Corp., San Jose, Calif., on or about September 6, 1921, and transported from the State of California into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Del Monte Brand * * * Sour Mixed Pickles" (or "Sour Gherkins") "California Packing Corporation." Portions of both of said articles were further labeled, respectively: "Net Weight 12 Oz. Drained Weight 8½ Oz." or "Net Weight 11 Oz. Drained Weight 7½ Oz."

Misbranding of the articles was alleged in substance in the libel for the reason that the statements appearing on the labels of the pickles, "Net Weight 12 Oz. Drained Weight 8½ Oz.," and the statements appearing on the labels of respective portions of the gherkins, "Net Weight 12 Oz." and "Drained Weight 7½ Oz.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the products were [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 11, 1922, A. E. Want & Co. and Claude Van Zandt & Co. having appeared as claimants for the property, and it appearing to the court that the mislabeling or nonlabeling of the said articles was not intentional, but was due to mechanical error or oversight of employees, and that the said articles had been properly relabeled, it was ordered by the court that the products be restored to the said claimants without fine or penalty.

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

11276. Misbranding of Eckman's alterative. U. S. v. 14 Bottles and 42 Bottles of Eckman's Alterative. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16731. S. No. E-4120.)

On August 14, 1922, the United States attorney for the Eastern District of New York, 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 14 bottles, large size, and 42 bottles, small size, of Eckman's alterative at Brooklyn, N. Y., alleging that the article had been shipped by the Burrows-Little-White Co., Philadelphia, Pa., on or about March 30, 1922, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and bottle) "Eckman's Alterative For use in the following Throat and Lung Affections Bronchial Asthma, Catarrhal Bronchitis and Pulmonary Troubles, Stubborn Coughs and Colds."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 3.3 per cent of calcium chlorid, 2.3 per cent of plant extracts, and 94.4 per cent of water, flavored with clove oil.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof were false and fraudulent since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On December 14, 1922, the Burrows-Little-White Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was 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 a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the said product be reshipped to the claimant's factory in Philadelphia, Pa., and relabeled to the satisfaction and under the supervision of this department.

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

11277. Misbranding and alleged adulteration of canned oysters. U. S. v. 425 Cases and 150 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16902. I. S. Nos. 7744-v, 7745-v. S. No. W-1226.)

On November 1, 1922, 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 425 cases and 150 cases of canned oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dunbar-Dukate Co., Biloxi, Miss., on or about October 5, 1922, and transported from the State of Mississippi into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Emperor Brand Oysters Net Weight 10 Oz." The remainder of the article was labeled in part: "Sea-Port Brand Oysters Contents 4 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been substituted in part for the said article.

Misbranding was alleged in substance for the reason that the statement, "Net Weight 10 Oz.," appearing on the labels of the Emperor brand, and the statement, "Contents 4 Oz.," appearing on the labels of the Sea-Port brand, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further 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 December 13, 1922, the Dunbar-Dukate Co., Inc., Biloxi, Miss., claimant, having admitted certain allegations of the libel, a decree of the court was entered adjudging the product to be misbranded, ordering its condemnation and forfeiture, and providing that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,270, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision and to the satisfaction of this department.

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

11278. Adulteration of almonds. U. S. v. 300 Bags of Almonds. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16917. I. S. Nos. 5484-v, 5485-v. S. No. C-3829.)

On November 11, 1922, the United States attorney for the District of Minnesota, 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 300 bags of almonds, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by William A. Camp & Co., New York, N. Y., in part on or about September 25 and in part on or about September 27, 1922, and transported from the State of New York into the State of Minnesota, and charging adulteration 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 vegetable substance.

On November 29, 1922, the Northern Brokerage Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings