

tion of 274 cases and 124 cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Wiegardt Bros., from Nahcotta, Wash., May 8, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Mast-er Brand Minced Razor Clams Packed By Wiegardt Bros. Ocean Park, Wash."

Adulteration of the article was alleged in the libel for the reason that excessive water or clam juice had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for minced clams.

During the month of August, 1922, Wiegardt Bros., 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 and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act.

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

11338. Adulteration and misbranding of canned oysters. U. S. v. 97 Cases, et al., of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17013, 17014. I. S. Nos. 7783-v, 7785-v, 7791-v. S. Nos. W-1246, W-1249.)

On December 7, 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 praying the seizure and condemnation of 263 cases of oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sea Food Co., from New Orleans, La., in part on or about March 1 and in part on or about May 7, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously, in part: "Lopez's Cove Oysters * * * Biloxi Chief Brand Net Contents 5 Ounces Oyster Meat Select Oysters Packed By Barataria Canning Co., New Orleans, La. & Biloxi, Miss.;" "Silver Shield Brand Oysters * * * Contents 10 Ounces Exclusive Of Liquid;" "Darling Brand Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 8 Ounces Oysters."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged with respect to a portion of the article for the reason that the statements on the respective cans, "Contents 10 Ounces Exclusive Of Liquid" and "Contents 8 Ounces Oysters," were false and misleading and deceived and misled the purchaser.

On January 24, 1923, the Sea Food Co. and the Star Packing Co. having appeared as claimants for respective portions of the property, and having admitted the material allegations in the libel and 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 respective claimants on payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

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

11339. Misbranding and alleged adulteration of canned clams. U. S. v. 744 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17092. I. S. Nos. 8303-v, 8305-v. S. No. W-1265.)

On December 28, 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 praying the seizure and condemnation of 744 cases of canned clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mountain Point Packing Co., from Petersburg, Alaska, December 2, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Golden Shore Brand Whole Clams Net Contents Not Less Than 15 Ounces Clams and Clam Nectar Packed In Alaska By Mountain Point Packing Co. Petersburg, Alaska."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Whole Clams," was 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 January 8, 1923, C. M. Everitt, Seattle, Wash., claimant, having admitted the material allegations in the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, the court finding the product to be misbranded, and it was ordered 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.

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

11340. Adulteration and misbranding of Big G. U. S. v. 5 Dozen Bottles of Big G. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 10548. I. S. No. 16529-r. S. No. E-1517.)

On June 16, 1919, the United States attorney for the Southern District of Georgia, 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 5 dozen bottles of Big G, remaining unsold in the original packages at Augusta, Ga., alleging that the article had been shipped by the Evans Chemical Co., Cincinnati, Ohio, on or about November 7, 1918, and transported from the State of Ohio into the State of Georgia, and charging adulteration and 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 essentially of an aqueous solution of borax and berberine. Hydrastine was absent.

Adulteration of the article was alleged in substance in the libel for the reason that the carton containing the article bore the statement, "compound of Borated Goldenseal," whereas the said article contained no borated goldenseal and its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement on the said carton that the article was a compound of borated goldenseal was false and misleading for the reason that the said article contained no goldenseal. Misbranding was alleged in substance for the further reason that the following statements appearing on the labels of the carton and bottle containing the article and in the accompanying booklet, regarding the curative and therapeutic effects of the said article, to wit, (in English, with equivalent statements in Spanish, French, and German) (carton) "Big G * * * A remedy for Catarrh, Hay Fever, and Inflammations, Irritations or Ulcerations of mucous membranes or linings of the Nose, Throat, Stomach and Urinary Organs," (bottle) "Big G A Non-poisonous Tonic * * * A Treatment For Unnatural Discharges of the urinary organs, Catarrh, Hay Fever and Inflamed, Ulcerated, Itching conditions of the skin and mucous membrane or linings of the Mouth, Nose, Throat, Eye and Ear," (booklet) "Catarrh * * * Chronic, of the Head * * * Hay Fever * * * Inflammation of the Eye * * * Cystitis * * * Gastritis—Catarrh of the Stomach * * * Haemorrhoids—Piles * * * Throat Troubles * * * Gonorrhoea * * * Gleet * * * Chronic Gonorrhoea * * * Stricture * * * Folliculitis * * * Gonorrhoeal Prostatitis [Prostatis] * * * Spermatorrhoea * * * Bubo * * * Gonorrhoeal Cystitis * * * As a preventative an injection of Big G should always be used immediately after exposure * * * Balanitis * * * Bubo—Inflammation and swelling of a Lymphatic Gland of the Groin * * * Chordee * * * Swelled Testicle * * * Leucorrhoea—Whites—Catarrh of the Vagina * * * Gonorrhoea in Women," were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On October 11, 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.*