

On January 8, 1924, 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. F. MARVIN, *Acting Secretary of Agriculture.*

12018. Misbranding of Foley kidney pills. U. S. v. 4½ Dozen Bottles, et al., of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18020. S. No. E-4581.)

On November 15, 1923, the United States attorney for the District of Massachusetts, 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 4½ dozen large bottles and 4¼ dozen small bottles of Foley kidney pills, at Boston, Mass., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., on or about October 16, 1923, and transported from the State of Illinois into the State of Massachusetts, 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 the pills contained potassium nitrate, methylene blue, hexamethylene tetramine, and plant material including resin and juniper oil.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, to wit, (bottle and carton) "Kidney Pills For Irritation [carton, large size, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "Kidney Pills For Irritations of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders * * * kidneys * * * weakened by disease * * * inflamed and congested * * *". In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * *. 2nd—The Bowels must be kept active * * *. 3rd—The diet is of great importance. * * * Satisfaction Guaranteed," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 17, 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. F. MARVIN, *Acting Secretary of Agriculture.*

12019. Adulteration of walnuts in shell. U. S. v. 20 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18030. I. S. No. 15795-v. S. No. E-4590.)

On November 20, 1923, the United States attorney for the Southern 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 praying the seizure and condemnation of 20 bags of walnuts in shell, at New York, N. Y., alleging that the article had been shipped by Jos. Maresca & Sons, from Naples, Italy, on or about January 23, 1922, and imported from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the article was in violation of section 7 of the act, paragraph 6, under food, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 28, 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. F. MARVIN, *Acting Secretary of Agriculture.*

12020. Adulteration and misbranding of mineral water. U. S. v. Famous Mineral Wells Water Co., a Corporation. Plea of guilty to counts 1 and 4. Fine, \$100 and costs. Counts 2 and 3 dismissed. (F. & D. No. 10289. I. S. No. 6162-r.)

On August 2, 1919, 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 an information against the Famous Mineral Wells Water Co., a corporation, Mineral Wells, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 7, 1918, from the State of Texas into the State of Oklahoma, of a quantity of mineral water which was adulterated and misbranded.

The article was labeled in part: "Famous Mineral Wells Water * * * Guaranteed by Famous Mineral Wells Water Co. Mineral Wells, Texas;" (blown on bottle) "One Half Gallon."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the water was polluted. The water contained 5.4 grams per liter of dissolved mineral matter which consisted chiefly of sodium sulphate.

Adulteration of the article was alleged in count 1 of the information for the reason that it consisted in whole or in part of a filthy and decomposed animal and vegetable substance.

Misbranding was alleged in count 2 for the reason that the statement, to wit, "One Half Gallon," blown on the bottle containing the article, was false and misleading in that it represented that each of the said bottles contained one-half gallon of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained one-half gallon of the article, whereas, in truth and in fact, each of said bottles did not contain one-half gallon of the article but did contain a less amount. Misbranding was alleged in count 3 for the 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.

Misbranding was alleged in count 4 of the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing in the labeling, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, Bright's disease, diabetes, stomach troubles, female complaint, and insomnia, when, in truth and in fact, it was not.

On December 10, 1923, a plea of guilty to counts 1 and 4 of the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs. Counts 2 and 3 were dismissed.

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

12021. Adulteration of oysters. U. S. v. Herman A. Woodfield and William F. Woodfield (Herman A. Woodfield & Bro.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 17427. I. S. Nos. 1357-v, 1358-v.)

On July 19, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman A. Woodfield and William F. Woodfield, copartners, trading as Herman A. Woodfield & Bro., Galloways, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 11, 1923, from the State of Maryland into the District of Columbia, of quantities of oysters which were adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the oysters were soft and spongy, somewhat bleached in appearance, with little oyster flavor or salinity, and had every appearance of being soaked. The two consignments contained 17.5 and 22 per cent, respectively, of thin watery liquor, having little oyster flavor and resembling water rather than oyster liquor.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On July 19, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$100, together with the costs.

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

12022. Alleged adulteration and misbranding of butter. U. S. v. Henningsen Co., a Corporation. Tried to the court and a jury. Directed verdict of not guilty. (F. & D. No. 17139. I. S. Nos. 7857-v, 7858-v.)

On April 5, 1923, the United States attorney for the District of Montana, 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 Henningsen Co., a corporation, Butte, Mont., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 30, 1922, from the State