

seizure and condemnation of 2 cans, 5 pounds each, of cream yellow color, at Albany, N. Y., alleging that the article had been shipped by the Favorite Manufacturing Co., Philadelphia, Pa., on or about November 28, 1922, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "#4345 Certified Cream Yellow Color Prepared by Favorite Manufacturing Co. * * * Philadelphia, Pa. * * * 5 lbs."

Adulteration of the article was alleged in the libel for the reason that a substance, salt, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements appearing in the labeling, "#4345 Certified Cream Yellow Color Prepared by Favorite Manufacturing Co." were false and misleading, and for the further reason that the article was wrongfully and unlawfully misbranded for the purpose of deceiving and misleading purchasers and of making them believe that the said product was another and better product. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 25, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12281. Adulteration of tomato stock. U. S. v. 404 Cases of Tomato Stock. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18198. I. S. No. 199-v. S. No. E-4646.)

On December 24, 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 404 cases of tomato stock, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Greenabaum Bros. (Inc.), from Seaford, Del., on or about October 19, 1923, and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Jubilee Brand Tomato Stock * * * Packed by Greenabaum Bros.; Inc., Seaford, Sussex County, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On April 28, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12282. Misbranding of Foley kidney pills. U. S. v. 21 Dozen Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18055. I. S. No. 19313-v. S. No. C-4183.)

On or about November 15, 1923, the United States attorney for the Western District of Tennessee, 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 21 dozen small-size bottles of Foley Kidney Pills, at Memphis, Tenn., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., in part on or about March 21, 1923, and in part on or about August 28, 1923, and transported from the State of Illinois into the State of Tennessee, 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.

It was alleged in substance in the libel that the article was labeled as follows, (bottle and carton) "Kidney Pills For Irritation of Kidneys and Bladder, and for Backache and Rheumatism due to Kidney Disorders," (circular) "Kidneys * * * weakened * * * 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. * * * 3d—The diet is of great importance. * * * Satisfaction Guaranteed, “and was misbranded in violation of the said act, in that the statements on the cartons and circulars accompanying the said article, regarding the curative and therapeutic effects of the article, were false and fraudulent and calculated to mislead and deceive the purchasers thereof, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 23, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12283. Adulteration of walnuts in shell. U. S. v. 184 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18213. I. S. No. 15913-v. S. No. E-4674.)

On December 24, 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 184 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Patras, Greece, having been entered on January 9, 1923, and transported from a foreign country into the State of New York, 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 in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 28, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12284. Adulteration of walnut pieces. U. S. v. 119 Cases of Shelled Walnut Pieces. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18120. I. S. No. 15794-v. S. No. E-4620.)

On November 28, 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 119 cases of shelled walnut pieces, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Marseille, France, and received on February 5, 1923, and transported from a foreign country into the State of New York, 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 in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12285. Adulteration and misbranding of sirup. U. S. v. 8 Cans, et al., of Sirup. Default decrees of condemnation, forfeiture, and sale or destruction. (F. & D. Nos. 18295, 18300. I. S. Nos. 10805-v, 12124-v, 10807-v. S. Nos. C-3016, C-3017.)

On February 8 and 16, 1924, respectively, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 8 cans and 2 crates, each containing 3 cans, of sirup, in part at Crawford, Nebr., and in part at Chadron, Nebr., alleging that the article had been shipped by the Early Coffee Co. from Denver, Colo., in two consignments, namely, on or about January 14 and 17, 1924, respectively, and transported from the State of Colorado into the State of Nebraska, and charging adulteration and misbranding in violation of the food and drugs act, as amended. A portion of the article was labeled in part: (Crate) “From Early Coffee Co. Denver. Colo.” The article in each shipment was invoiced as sirup.