

June 20, 1923, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained an excessive amount of moisture and was deficient in fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and which contained an excessive amount of moisture had been substituted for butter, which the said article purported to be.

On May 21, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12594. Misbranding of Foster's backache kidney pills. U. S. v. 5 Gross Boxes of Foster's Backache Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18125. I. S. No. 11705-v. S. No. W-1452.)

On November 30, 1923, the United States attorney for the Northern District of California, 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 5 gross boxes of Foster's backache kidney pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Foster-McClellan Co., from Buffalo, N. Y., on or about October 29, 1923, and transported from the State of New York into the State of California, 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 consisted of potassium nitrate, rosin, fenugreek, uva ursi, and an essential oil such as juniper or turpentine oil, coated with talc and sugar.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, (box and wrapper, English) "* * * Backache Kidney Pills * * * for Kidney Complaints and diseases arising from disorders of the Kidneys & Bladder Such As Backache, Stiff, Lame or Weak Back, Cold in the Back or Kidneys, Congestion of the Kidneys, Inflammation of the Bladder, Gravel, Scalding urine, and Urinary Troubles * * *," (circular, English and Spanish) "* * * Backache Kidney Pills (Spanish "For the Kidneys") * * * for Kidney Complaints and Diseases Arising from Disorders of the Kidneys & Bladder * * * if relief is not noticed, increase the dose * * * When relief is noticed the dose may be reduced * * * a good medicine * * *," (pasteboard container for one dozen) "Backache Kidney Pills for the Kidneys and Bladder, Backache, etc. * * *," together with the design or device on bottle, wrapper and circular of a figure about waist length, rear view, slightly stooped, head turned, right hands pressing on flanks, inscription on arms, shoulders, and back, "Foster's Backache Kidney Pills," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 12, 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, *Secretary of Agriculture.*

12595. Adulteration of tomato puree. U. S. v. 24 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18783. I. S. No. 16079-v. S. No. E-4866.)

On June 10, 1924, the United States attorney for the Eastern District of Pennsylvania, 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 24 cases of tomato puree remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Fairdale Canning Co., Bridgeton, N. J., alleging that the article had been shipped from Bridgeton, N. J., in part on or about December 17, 1923, and in part on or about February 2, 1924, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fairdale Brand Tomato Puree * * * Packed by Fairdale Canning Co. Bridgeton, New Jersey."

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

On June 30, 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, *Secretary of Agriculture.*

12596. Adulteration and misbranding of butter. U. S. v. Michael F. Donahue. Plea of guilty. Fine, \$1. (F. & D. Nos. 17426, 17694. I. S. Nos. 1833-v, 10851-v, 10853-v.)

On November 13, 1923, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a consolidated information against Michael F. Donahue, Essex, Vt., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about November 13, 1922, and March 5 and 22, 1923, respectively, from the State of Vermont into the State of New Hampshire, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Donahue's Creamery Butter * * * Manufactured By M. F. Donahue Essex, Vermont."

Analysis of a sample of the article from each shipment by the Bureau of Chemistry of this department showed that it was deficient in butterfat and that the shipments of November 13, 1922, and March 22, 1923, contained excessive moisture.

Adulteration of the product consigned November 13, 1922, was alleged in the information for the reason that a substance, to wit, excessive moisture, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, for the further reason that a substance, to wit, excessive water, had been substituted in part for creamery butter, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Adulteration was alleged with respect to the shipments of March 5 and 22, 1923, for the reason that a product deficient in butterfat and which contained excessive moisture, with respect to the product consigned March 22, 1923, and a product deficient in butterfat, with respect to the product consigned March 5, 1923, had been substituted for creamery butter, which the article purported to be.

Misbranding was alleged with respect to the product involved in all the consignments for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it did not so consist, but a portion of the article consisted of a product deficient in butterfat and [which] contained excessive moisture, and the remainder thereof consisted of a product deficient in butterfat.

Misbranding was alleged with respect to the product consigned November 13, 1922, for the further reason that it was a product low in butterfat and which contained excessive moisture prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

On March 17, 1924, the defendant entered a plea of guilty to the consolidated information, and the court imposed a fine of \$1.

HOWARD M. GORE, *Secretary of Agriculture.*

12597. Adulteration and misbranding of wafer meal and corn meal. U. S. v. J. Calvin Bogert (Grove Feed Products Co.). Plea of guilty. Fine, \$10. (F. & D. No. 18091. I. S. Nos. 21-v, 403-v.)

At the January, 1924, term of the United States District Court within and for the District of New Jersey the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against J. Calvin Bogert, trading as Grove Feed Products Co., Jersey City, N. J., alleging shipment by said defendant, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 24, 1923, and April 3, 1923, respectively, from the State of New Jersey into the State of New York, of quantities of corn meal and wafer meal, respectively, which were adulterated and mis-