

mont in a decomposed and adulterated condition. The article was labeled in part: "Pigeon Brand Blueberries Contents 6 Lbs. 6 Oz. Packed By E. M. Frye Packing Co. Harrington, Me."

On November 7, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13080. Misbranding of Gary's vegetable ointment. U. S. v. 5 Bottles, et al., of Dr. Gray's (Gary's) Vegetable Ointment. Decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18170, 18171, 18172, 18174. I. S. Nos. 7328-v, 7330-v, 7334-v, 7336-v. S. Nos. C-4222, C-4223, C-4224, C-4226.)

On December 15, 1923, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on April 7, 1924, amended libels, praying the seizure and condemnation of 27 bottles of Dr. Gray's (Gary's) vegetable ointment, in various lots, at Tupelo, West Point, Starkville, and Iuka, Miss., respectively, alleging that the said lots of the article had been shipped by the Sloan & Spencer Medicine Co., from Birmingham, Ala., on or about the respective dates of February 5, May 16, July 10, and October 25, 1923, and transported from the State of Alabama into the State of Mississippi, 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 product consisted of two immiscible liquids, the lighter of which consisted mainly of kerosene, and the heavier, of alcohol; both contained turpentine oil, camphor, and menthol.

Misbranding of the article was alleged in the libels for the reason that the statement, borne on the label, "Vegetable Ointment" was false and misleading, since the said ointment consisted principally of kerosene and alcohol with a small amount of turpentine, camphor, and menthol. Misbranding was alleged for the further reason that the packages or labels failed to bear a true statement of the quantity or proportion of alcohol contained in the article.

Misbranding was alleged in the libels as amended for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, (carton) "Dr. Gary's Vegetable Ointment is recommended for all of the chief ailments known to the human system. * * * benefits received, in treatment of nearly every disease known to the human system, * * * Chills, * * * Fever, Typhoid, Pneumonia or Bloat caused by malaria * * * Night Sweats," (booklet) "Dr. Gary's Vegetable Ointment * * * Service to Suffering Humanity From Rheumatism, Lumbago, Stomach Trouble, Kidney Trouble, Constipation, Liver Trouble, Yellow Jaundice, * * * Cramps, Malaria, Chills, Fever, Pellagra, Eczema, Sores, Corns, Bunions, * * * gives life instead of destroying it. * * * extracts the root of the disease. * * * relieves all of the chief ailments known to infest the human system by removing the cause. * * * dropsy, rheumatism and various other so called ailments, * * * a clogged liver or weak kidneys * * * is known to produce more cures among all ages than any other medicine * * * This is * * * an established fact. No matter how long standing * * * will relieve you * * * It will immediately enter into the system, destroying the disease germs, purifying the blood and building up the entire system to a state of perfect health. For catarrh of the head and throat, * * * In * * * Chills and Fever, Typhoid, Pneumonia or Bloat, caused by Malaria * * * If the bowels are swollen from typhoid, pneumonia or chills, increase the application until relief is obtained * * * "a medicine that will cure your rheumatism." * * * an awful cold and cough * * * left arm was paralyzed from the shoulder down and * * * could not use it at all for three months. * * * After a week's application the arm was perfectly all right * * * heart trouble, high blood pressure and rheumatism. * * * ovarian neuralgia. * * * rheumatic paralysis or kidney trouble, * * * liver, kidney and heart trouble, * * * liver was so swollen that his ribs were bent outward * * * swelling has gone from his liver * * * my liver was dead. * * * convulsions * * * bearing down pain * * * neuritis * * * cold and side pleurisy * * * caused his leg to swell to twice its original size; * * * trouble * * * was non-circulation of the blood or rheumatism, * * * swollen all over * * * pains

and aches in all her joints; * * * swollen bowels. * * * all swollen and caked * * * kidney trouble and piles. * * * risings all over my body * * * slow fevers * * * bowels began to enlarge gradually, * * * tonsillitis * * * bleeding piles. * * * appendicitis. * * * a tumor * * * kidney and gall stones; * * * milk leg * * * Spanish influenza * * * inflammatory rheumatism * * * hemorrhage of the lungs * * * rheumatism and weak kidneys * * * helped my hearing, * * * breaking out on her hands and * * * splotches on her face * * * neuritis (kidney disease), with high blood pressure. * * * high blood pressure and some Bright's * * * severe cough and night sweats," were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 7, 1924, no claimant having appeared for a portion of the product and the claimants for the remainder of the said product having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13081. Misbranding of peanut meal. U. S. v. 340 Bags of Peanut Meal. Decree entered, ordering product released under bond to be relabeled. (F. & D. No. 19429. I. S. No. 21287-v. S. No. E-5073.)

On December 23, 1924, 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 a libel praying the seizure and condemnation of 340 bags of peanut meal, remaining in the original unbroken packages at Baltimore, Md., consigned in part about August 5, 1924, and in part about October 23, 1924, alleging that the article had been shipped by the Suffolk Oil Mill, Suffolk, Va., and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Manufactured By Suffolk Oil Mill Suffolk, Va. Guaranteed Analysis: Protein 41 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement, appearing in the labeling, "Guaranteed Analysis: Protein 41 per cent" was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 41 per cent of protein, whereas it contained a less amount.

On January 31, 1925, the Suffolk Oil Mill, Suffolk, Va., having appeared as claimant for the property, judgment of the court was entered, ordering 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 \$600, in conformity with section 10 of the act, and it was further ordered by the court that the product not be disposed of until properly relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13082. Misbranding and alleged adulteration of tomato paste. U. S. v. 392 (457) Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19219. I. S. No. 19061-v. S. No. C-4547.)

On December 8, 1924, the United States attorney for the Northern District of Illinois, 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 457 cases of tomato paste, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Jose, Calif., October 22, 1924, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Naples Style Tomato Sauce Contadina Brand * * * Packed By Hershel Cal. Fruit Prod. Co. * * * San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored product had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce or paste containing artificial color.