

13190. Misbranding of canned clams. U. S. v. J. H. Doxsee & Sons. Plea of guilty. Fine, \$500. (F. & D. No. 19266. I. S. Nos. 434-v, 438-v, 15943-v.)

At the January, 1925, term of the United States District Court within and for the Southern District of New York, 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. H. Doxsee & Sons, a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, two shipments on or about April 24, 1923, and one shipment on or about January 30, 1924, from the State of Florida into the State of New York, of quantities of canned clams which were misbranded. The article in two shipments was labeled in part: (Can) "Neptune * * * Steamed Quahaug Clams Contents 10 Oz. Clam Meat, 10 Oz. Clam Juice Packed By J. H. Doxsee & Sons." The article in one shipment was labeled in part: (Can) "Minced Clams Little Neck * * * J. H. Doxsee & Sons * * * Contents 10 Ounces Of Clam Meat, 10 Ounces Of Clam Juice."

Examination by the Bureau of Chemistry of this department of samples consisting of 12 cans taken from each of the consignments showed that the cans contained 8.37, 8.65, and 8.78 ounces, respectively, of clam meat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 10 Oz. Clam Meat" and "Contents 10 Ounces Of Clam Meat," respectively, borne on the cans containing the article, were false and misleading, in that the said statements represented that each of said cans contained 10 ounces of the 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 said cans contained 10 ounces of the article, whereas, in truth and in fact, each of said cans did not contain 10 ounces of the article but did contain a less amount. 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 March 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

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

13191. Misbranding of Dr. Sayman's wonder herbs. U. S. v. 48 Packages of Dr. Sayman's Wonder Herbs. Default decree entered. Product ordered destroyed. (F. & D. No. 19102. S. No. C-4514.)

On November 3, 1924, the United States attorney for the Eastern 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 48 packages of Dr. Sayman's wonder herbs, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the T. M. Sayman Products Co., St. Louis, Mo., on or about June 1, 1922, and transported from the State of Missouri into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tin box) "Composed Of Roots, Herbs And Barks * * * Sayman's Wonder Herbs A Blood Medicine * * * A Boon For Suffering Women * * * Guaranteed," (circular) "All Herbs," (carton) "Sayman's Wonder Herbs A Blood Medicine * * * Regulates the Liver and Kidneys, cleanses the Blood, and aids Digestion * * * For * * * Dyspepsia, Loss of Appetite * * * Sick Headache * * * LaGrippe, Chills and Fever, Intermittent or Remittent Fever, Weak or Impaired Kidneys * * * Female Complaints and Blood Poison * * * Beneficial to Women suffering from those ailments peculiar to their sex. A valuable treatment for LaGrippe, and its after effects, Malaria, Chills, Fever or Ague, and all diseases arising from an impure or impoverished condition of the blood. * * * disorders of the stomach, liver, and kidneys," (small circular) "The Bitter that is needed for the Blood and the Gall Bladder is furnished through the medium of Sayman's Wonder Herbs—the greatest Blood and Liver Medicine ever compounded * * * an effective Blood Medicine," (retail price list) "for the blood, stomach, liver and kidneys."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of gentian, ginger, rhubarb, licorice, cascara sagrada, buchu, senna, and sodium carbonate or bicarbonate.