

Eastport, Me.," and "Continental Maine Sardines Packed By Seacoast Canning Co., Eastport, Me."

It was alleged in substance in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 18, 1925, a decree of the court was entered, condemning and forfeiting the product and ordering that it be destroyed by the United States marshal.

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

13222. Adulteration and misbranding of vinegar. U. S. v. 50 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16986. I. S. No. 4046-v. S. No. C-2938.)

On November 21, 1922, the United States attorney for the Western District of Wisconsin, 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 50 barrels of vinegar, at Madison, Wis., alleging that the article had been shipped by the Powell Corp. from Canandaigua, N. Y., September 20, 1922, and transported from the State of New York into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance made from evaporated or dried apple products had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article bore the label, to wit, "Pure Cider Vinegar Made From Apples Reduced To 4% * * * Man'fd. By The Powell Corp. Canandaigua, N. Y.," which said label was false and misleading and deceived and misled the purchaser, in that the article did not contain pure cider vinegar but contained distilled vinegar and a substance made from evaporated or dried apple products. Misbranding was alleged for the further reason that the article was an imitation of and sold under the distinctive name of another food product.

On November 29, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Evaporated Apple Products Vinegar and Distilled Vinegar Reduced to 4% Acidity."

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

13223. Misbranding of H and H water. U. S. v. 25 Crates Natural H and H Water and 5 Cases Concentrated H and H Water. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 16347. I. S. Nos. 12711-t, 12712-t. S. No. C-3648.)

On May 29, 1922, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 25 crates of natural H and H water and 5 cases of concentrated H and H water, remaining in the original unbroken packages at Nashville, Tenn., alleging that the articles had been shipped by the H & H Water Co., Dawson Springs, Ky., in part February 8 and in part March 11, 1922, and transported from the State of Kentucky into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The natural water was labeled in part: (Bottle) "Indigestion, Stomach, Liver, and Kidney Troubles Malaria, Female Troubles." The concentrated water was labeled in part: (Bottle) "Indigestion, Stomach Liver and Kidney Troubles, Bright's Disease, * * * Jaundice, Malaria."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the natural water contained about 3.7 grams and the concentrated water about 190 grams per liter of dissolved mineral matter, most of which was magnesium sulphate.

Misbranding of the articles was alleged in substance in the libels for the reason that the labels on the containers (bottles) bore the above-quoted statements regarding the curative and therapeutic effects of the said articles, which

were false and fraudulent, in that the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On November 26, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

13224. Adulteration and misbranding of codeine sulphate tablets, strychnine sulphate tablets, and morphine sulphate tablets. U. S. v. Latimer H. Studebaker. Plea of guilty. Fine, \$100. (F. & D. No. 19272. I. S. Nos. 897-v, 2071-v, 2164-v, 3349-v, 12453-v, 15824-v.)

On January 16, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Latimer H. Studebaker, Erie, Pa., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about October 26 and December 23, 1923, respectively, from the State of Pennsylvania into the State of New York, of quantities of strychnine sulphate tablets, on or about November 15 and December 15, 1923, respectively, from the State of Pennsylvania into the State of Georgia, of quantities of codeine sulphate tablets and strychnine sulphate tablets, on or about January 4, 1924, from the State of Pennsylvania into the State of Ohio, of a quantity of morphine sulphate tablets, and on or about February 13, 1924, from the State of Pennsylvania into the State of New Jersey, of a quantity of morphine sulphate tablets, all of which were adulterated and misbranded. The articles were labeled, variously, in part: "Codeine Codeine Sul. $\frac{1}{4}$ Gr. Manufactured By E. P. S. H. L. H. Studebaker Mfg. Pharmacist Erie, Pa.," "Tablets Strychnine Sulphate 1-30 Gr.," "Tablets Strychnine Sulphate 1-60 grain," "Tablets Morphine Sulphate 1-8 Gr.," "Morphine Sulphate 1-4 Gr."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The codeine sulphate tablets, labeled "1-4 Gr.," averaged not more than 0.198 grain of codeine sulphate each; the morphine sulphate tablets labeled "1-4 Gr." averaged not more than 0.209 grain of morphine sulphate each, and those labeled "1-8 Gr." averaged not more than 0.113 grain of morphine sulphate each; the strychnine sulphate tablets labeled "1-30 Gr." averaged not more than 0.0218 grain of strychnine sulphate each, and the two consignments labeled "1-60 Grain" averaged not more than 0.0140 grain and 0.0134 grain, respectively, of strychnine sulphate to each tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements, to wit, "Codeine Sul. $\frac{1}{4}$ Gr.," "Tablets Strychnine Sulphate 1-30 Gr.," "Tablets Strychnine Sulphate 1-60 grain," "Tablets Morphine Sulphate 1-8 Gr.," and "Morphine Sulphate 1-4 Gr.," borne on the labels attached to the bottles or packages containing the respective articles, were false and misleading, in that the said statements represented that the tablets each contained the amounts of the respective articles declared on the said labels, whereas the said tablets each contained less than so declared.

On March 19, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

13225. Misbranding of oil. U. S. v. 89 Cans of Cottonseed Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18805. I. S. No. 17754-v. S. No. C-4423.)

On July 1, 1924, the United States attorney for the Eastern District of Wisconsin, 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 89 cans of cottonseed oil, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by A. Morichi [Morici] Co., from Chicago, Ill., June 11, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Ten One Gallon Tins A. M. Co. Chicago Termini Imerese Italy Olio Di Oliva," (can) "Olio Finissimo Cottonseed Oil, Flavored With Olive Oil Rose Ditalia Brand, A Morici & Co Chicago, Ill. * * * Contains [Contents] One Gallon."