

**13325. Adulteration and misbranding of tomato sauce. U. S. v. 50 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19369. I. S. No. 13316-v. S. No. E-5045.)**

On December 8, 1924, the United States attorney for the District of New Jersey, 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 cases of tomato sauce. at Jersey City, N. J., alleging that the article had been shipped by the Greco Canning Co., San Francisco, Calif., on or about November 7, 1924, and transported from the State of California into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Sauce Packed By Greco Canning Co. San Jose \* \* \* Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored tomato sauce, had been substituted wholly or in part for the said article.

It was further alleged in the libel that the article was misbranded, in that the failure to declare the presence of artificial color was false and misleading and deceived and misled the purchaser.

On February 18, 1925, the Greco Canning Co., San Jose, Calif., 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 \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department by pasting a sticker bearing the words "Artificially Colored" on both panels of the can label.

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

**13326. Adulteration and misbranding of codeine phosphate tablets, codeine sulphate tablets, morphine sulphate tablets, and strychnine sulphate tablets. U. S. v. the Tilden Co. Plea of guilty. Fine, \$500. (F. & D. No. 19008. I. S. Nos. 5323-v, 7352-v, 7356-v, 18106-v, 18107-v.)**

On January 7, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tilden Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about October 23, 1923, from the State of Missouri into the State of Kansas, of a quantity of codeine phosphate tablets, on or about November 15, 1923, from the State of Missouri into the State of Louisiana, of quantities of codeine sulphate tablets and of strychnine sulphate tablets, and on or about December 4, 1923, from the State of Missouri into the State of Ohio, of quantities of morphine sulphate tablets and codeine sulphate tablets, respectively, which were adulterated and misbranded. The respective articles were labeled in part: "H. T. Codeine Phosphate 1-2 Gr.," "Hypodermic Tablets Codeine Sulphate 1-2 Gr.," "Hypodermic Tablets Morphine Sulphate 1-2 Gr.," or "Tablet Triturates Strychnine Sulphate 1-30 Gr.," as the case might be, and "Manufactured by The Tilden Co. Pharmacists-Chemists New Lebanon, N. Y. St. Louis, Mo."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The two consignments of codeine sulphate tablets contained averages of not more than 0.396 grain and 0.401 grain of codeine sulphate each; the morphine sulphate tablets examined contained an average of not more than 0.356 grain of morphine sulphate each, the strychnine sulphate tablets examined contained an average of not more than 0.0291 grain of strychnine sulphate each, and the alleged codeine phosphate tablets examined contained no codeine phosphate but did contain an average of not more than 0.39 grain of codeine sulphate each.

Adulteration of the articles was alleged 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 respective statements, to wit, "H. T. Codeine Phosphate 1-2 Gr.," "100 Hypodermic Tablets Codeine Sulphate 1-2 Gr.," "100 Hypodermic Tablets Morphine Sulphate 1-2 Gr.," "100 Tablet Triturates Strychnine Sulphate 1-30 Gr.," borne on the labels of the bottles containing the articles, were false and misleading, since the said state-

ments represented that each of the said tablets contained the amount of the article declared on the label, whereas the alleged codeine phosphate tablets contained no codeine phosphate but did contain codeine sulphate, and the remaining tablets contained less of the respective products than declared on the labels. Misbranding was alleged with respect to the alleged codeine phosphate tablets for the further reason that it was an imitation of and was offered for sale under the name of another article, codeine phosphate tablets.

On March 3, 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.*

**13327. Adulteration of Manchurian walnuts. U. S. v. 196 Sacks of Manchurian Walnuts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 730-c. I. S. No. 11608-v. S. No. W-1439.)

On or about October 10, 1923, the United States attorney for the Southern District of California, acting upon a report by an official of the State of California, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 196 sacks of Manchurian walnuts, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from New York, N. Y., on or about August 31, 1923, and transported from the State of New York into the State of California, 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 and in part of a filthy, decomposed, and putrid animal and vegetable substance, in that the said nuts were wormy, webby, rancid, and rotten.

On October 29, 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.

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

**13328. Adulteration of prunes and fish. U. S. v. Antonio Sesso. Plea of guilty. Fine, \$20.** (F. & D. No. 745-c.)

On November 19, 1924, the United States attorney for the District of Columbia filed in the police court of said district an information against Antonio Sesso, Washington, D. C., alleging that on November 14, 1924, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of prunes and fish which were adulterated.

It was alleged in the information that the articles were filthy, in that they contained worms.

On November 19, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

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

**13329. Adulteration of beef. U. S. v. Isreal Finkerstein. Collateral of \$25 forfeited.** (F. & D. No. 734-c.)

On June 5, 1924, the United States attorney for the District of Columbia, acting upon a report by a health officer of said district, filed in the police court of the District of Columbia, holding a district court, an information against Isreal Finkerstein, Washington, D. C., alleging that on June 3, 1924, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of beef which was adulterated.

It was alleged in the information that the article was unfit for food in that it was decomposed.

On June 6, 1924, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

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

**13330. Adulteration and misbranding of canned oysters. U. S. v. 698 Cases of Bull Head Brand Oysters. Consent decree of condemnation. Product released under bond.** (F. & D. Nos. 20003 to 20007, incl. I. S. Nos. 14691-v to 14695-v, incl. S. No. C-4708.)

On or about April 16, 1925, 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 a libel praying the seizure and condemnation of 698 cases of oysters, remaining in the original