

bination of ingredients capable of producing the curative and therapeutic effects claimed in the above-quoted statements.

On May 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.*

13693. Adulteration and misbranding of potatoes. U. S. v. 145 Sacks of Potatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16764. I. S. No. 2001-v. S. No. E-4136.)

On August 22, 1922, the United States attorney for the Western District of New York, 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 145 sacks of potatoes, remaining in the original unbroken packages at Lockport, N. Y., alleging that the article had been shipped by White & Snyder, Tennent, N. J., August 8, 1922, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. Grade No. 1 150 Lbs. Net When Packed White & Snyder, Tennent, N. J."

Adulteration of the article was alleged in the libel for the reason that potatoes of a lower grade than designated had been mixed and packed with and substituted wholly or in part for Grade No. 1 potatoes.

Misbranding was alleged for the reason that the statement, borne on the sack, "U. S. Grade No. 1" was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On November 9, 1922, 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.*

13694. Misbranding of Foley kidney pills. U. S. v. 1 Dozen Large and 2½ Dozen Small Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18044. S. No. E-4582.)

On November 14, 1923, the United States attorney for the Western District of New York, 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 1 dozen large bottles and 2½ dozen small bottles of Foley kidney pills, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Foley & Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., October 30, 1923, and transported from the State of Illinois into the State of New York, 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 it consisted of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources, including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in the libel for the reason that the following statements, appearing in the labeling: (Bottle label, carton, and circular) "Kidney Pills For Irritation" (circular "Irritations") "of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * * 2nd—The bowels must be kept active * * * 3rd—The diet is of great importance * * * satisfaction guaranteed," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it in the above-quoted statements.

On November 28, 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.*