

On July 10, 1925, Swift & Co. having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the deposit of a certified check in the sum of \$250, said decree providing that the product be reconditioned and relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13855. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Product released under bond to be sorted. (F. & D. No. 19925. I. S. No. 9837-v. S. No. W-1687.)**

On March 27, 1925, the United States attorney for the District of Utah, 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 462 boxes of oranges, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by F. H. Speich & Co., from Casa Blanca, Calif., on or about March 9, 1925, and transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Washington Navels Request Brand \* \* \* F. H. Speich and Company Riverside, California."

Adulteration of the article was alleged in the libel for the reason that an inedible product and substance had been substituted wholly or in part for the said article.

On May 4, 1925, the Ogden Commission Co., Ogden, Utah, claimant, having paid the costs of the proceedings and executed a bond in the sum of \$1,500, and the product having been sorted under the supervision of this department, a decree of the court was entered, ordering that the good portion be released to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13856. Adulteration of canned sardines. U. S. v. 600 Cases of Sardines. Default decree of condemnation and destruction entered, with provision that product might be released under bond. (F. & D. No. 20337. I. S. No. 2111-x. S. No. C-4806.)**

On August 10, 1925, the United States attorney for the Northern District of Ohio, 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 600 cases of sardines, at Cleveland, Ohio, alleging that the article had been shipped by the Van Camp Sea Food Co., San Pedro, Calif., on or about December 22, 1924, and transported from the State of California into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Nekco Brand 15 Oz."

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

On November 4, 1925, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed unless a claimant appear within 10 days and take the product down under bond to be salvaged under the supervision of this department. On November 19, 1925, no claimant having appeared, the product was destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13857. Adulteration and misbranding of chocolate fountain sirup. U. S. v. 9 Cases, et al., of Chocolate Fountain Sirup. Default decrees of destruction entered. (F. & D. Nos. 20093, 20094. I. S. Nos. 17276-v. 17277-v. S. No. E-5312.)**

On June 10, 1925, the United States attorney for the Eastern District of Virginia, 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 18 cases and 10 gallons of chocolate fountain sirup, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Regent Chocolate Co., from Baltimore, Md., in part April 14, 1925, and in part April 15, 1925, and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article

was labeled in part: "Bungalow Delightful Fountain Chocolate The Regent Chocolate Company Baltimore, Maryland \* \* \* Contents One Gallon."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was a chocolate flavored sirup containing about 5 per cent undeclared glucose. Examination by said bureau of a sample of the article showed that it was short volume.

It was alleged in substance in the libels that the article was adulterated in violation of section 7 of the act, paragraph 2 under "Food," in that its quality was lower than declared on the labels.

Misbranding was alleged for the reason that the statements "Contents One Gallon," "Chocolate Fountain Syrup" were false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 7, 1925, no claimant having appeared for the property, decrees of the court were entered, adjudging the product adulterated and misbranded and ordering that it be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13858. Misbranding of Dr. J. S. Rose's whooping cough remedy. U. S. v. 34 Bottles of Dr. J. S. Rose's Whooping Cough Remedy. Default order of destruction entered. (F. & D. No. 19905. S. No. E-5168.)**

On March 18, 1925, the United States attorney for the Eastern District of Virginia, 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 34 bottles of Dr. J. S. Rose's whooping cough remedy, remaining unsold in the original packages at Richmond, Va., alleging that the article had been shipped by Aschenbach & Miller, Inc., from Philadelphia, Pa., on or about January 6, 1925, and transported from the State of Pennsylvania into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained sirup, potassium nitrate, arsenic, and a cyanide.

Misbranding of the article was alleged in the libel for the reason that the following statements: (Carton) "Whooping Cough Remedy \* \* \* Symptoms of Whooping Cough. It comes on with a slight cough gradually increasing until the patient is almost suffocated; the eyes swell and sometimes the whole face, the nose runs, there is more or less fever and each spell of coughing ends in vomiting, which produces a short respite from suffering, or perfect and complete intermission from all symptoms. \* \* \* Whooping Cough—What is it? Physicians have unanimously come to the conclusion that Whooping Cough is not only clearly spasmodic, but may, if neglected, often run into other diseases—as Chronic Inflammation of the Lungs, Consumption and often Dropsy of the Chest. These terminations of the disease, however, they all admit, are only possible when badly treated or left to itself—believing it must run the course of many months, and which it unfortunately often does, if treated in the ordinary way. Discovering early in my practice the disease thus maltreated or misunderstood, I determined to study its Pathology, or nature, and having discovered this, I invented this Compound, since which time I have seldom seen a case last over one or two weeks—relieving after the first day (producing marked improvement) and leaving no bad effect from the disease. \* \* \* In Whooping Cough it is not only necessary to use medicine that will cause expectoration, but it must also remove spasm of the air-cells, and be Tonic in its nature to prevent the frequent returns and long continuation of coughing. Therefore, having always relieved the spasms of Whooping Cough with this Remedy, we most strongly recommend it to all who have now, or may have hereafter, Whooping Cough," (bottle) "Whooping Cough Remedy," borne on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 12, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its destruction by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*