

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

On January 26, 1926, 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.*

14088. Misbranding of Angelus compound sirup of hypophosphites. U. S. v. 10 Bottles of Angelus Compound Sirup of Hypophosphites. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17150. I. S. No. 7975-v. S. No. W-1281.)

On January 13, 1923, the United States attorney for the District of Arizona, 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 10 bottles of Angelus compound sirup of hypophosphites, at Phoenix, Ariz., alleging that the article had been shipped by the Brunswig Drug Co., Los Angeles, Calif., on or about May 12, 1922, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of samples of the article showed that it consisted of sodium, iron, manganese, quinine and strychnine hypophosphites, traces of calcium and potassium salts, glycerin, sugar, and water.

It was alleged in substance in the libel that the article was misbranded, in that the following statements regarding its curative and therapeutic effects, borne on the bottle label: For the treatment of wasting and debilitating diseases, such as Consumption, Bronchitis, Asthma, Dyspnoea, Hoarseness and Congestion. Particularly serviceable in building up and restoring tone to the entire nervous system. * * * Excellent as a brain tonic and recommended in all morbid mental conditions," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 22, 1925, 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.*

14089. Adulteration and misbranding of caviar. U. S. v. 124 Cans, et al., of Caviar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20103, 20128. I. S. Nos. 23969-v, 23970-v, 23972-v. S. Nos. C-4741, C-4749.)

On June 9 and 19, 1925, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 7 cases and 185 cans of caviar, at Chicago, Ill., alleging that the article had been shipped by James P. Smith & Co., from New York, N. Y., in part on or about March 17, 1925, and in part on or about April 17, 1925, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Riviera Brand Caviar Packed By Imported Caviar Packing Co. New York."

Adulteration of the article was alleged in substance in the libels for the reason that a substance, roe other than sturgeon, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Caviar," borne on the cans containing the article, was false and misleading, in that the word "Caviar" had been applied to roe other than sturgeon, and for the further reason that the article was sold under the distinctive name of another article, namely, caviar, which it purported to be.

On September 3, 1925, the cases having been consolidated into one cause of action and the James P. Smith Co., New York, N. Y., having appeared as claimant for the property, 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 not be sold or disposed of until plainly, correctly, and conspicuously labeled.

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