

On March 3, 1926, the Ward's Cove Packing Co., claimant, having admitted the allegations of the libel 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 \$4,500, in conformity with section 10 of the act, conditioned in part that the product be salvaged, the portion unfit for human food destroyed, and the remainder released.

W. M. JARDINE, *Secretary of Agriculture.*

**14711. Misbranding of poultry feed. U. S. v. Marine Products Co., Inc. Plea of guilty. Fine, \$25 and costs.** (F. & D. No. 19782. I. S. Nos. 10457-x, 10460-x, 10464-x, 10465-x, 10467-x.)

On September 24, 1926, the United States attorney for the Western District of Washington, 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 Marine Products Co., Inc., a corporation, Tacoma, Wash., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about June 26 and December 10, 1925, and January 7 and 20, 1926, respectively, from the State of Washington into the State of Oregon of quantities of poultry feed which was misbranded. A portion of the article was labeled, "Argentine Scraps-O-Meat Brand \* \* \* Guaranteed Analysis Crude Protein—Not less than 50% \* \* \* Ash—Not more than 20% \* \* \* Manufactured by Marine Products Co., Inc. Tacoma, Washington." The remainder of the said article was labeled, "Meat Meal Poultry Food Protein not less than 50% \* \* \* Crude Fibre not more than 2½% Ash not more than 20% Manufactured by Marine Products Co. Inc. Tacoma, Wash."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Crude Protein—Not less than 50% \* \* \* Ash—Not more than 20%," with respect to a portion of the product and the statements "Protein not less than 50% Crude Fibre not more than 2½% Ash not more than 20%," with respect to the remainder thereof, borne on the sacks containing the said article, were false and misleading, in that the said statements represented that the article contained not less than 50 per cent of protein and not more than 20 per cent of ash, and that a portion thereof contained not more than 2½ per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it contained not less than 50 per cent of protein and not more than 20 per cent of ash, and that a portion contained not more than 2½ per cent of crude fiber, whereas the article contained less than 50 per cent of protein and more than 20 per cent of ash, and the said portion contained more than 2½ per cent of crude fiber.

On September 28, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

**14712. Misbranding of Vitona. U. S. v. 200 Packages of Vitona. Default decree of destruction entered.** (F. & D. No. 21003. I. S. No. 1987-x. S. No. C-5065.)

On April 6, 1926, the United States attorney for the Southern 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 seizure and condemnation of Vitona, at Columbus, Ohio, consigned by the Vitona Mineral Ore Co., Marshall, Tex., November 14, 1925, alleging that the article had been shipped in interstate commerce from Marshall, Tex., into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Packed by Vitona Mineral Ore Co. \* \* \* Marshall, Tex."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of crude silicate ore containing iron sulphate, free sulphur and charcoal, with traces of calcium, magnesium and aluminum sulphates.

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 carton containing the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Vitona for Rheumatism, Indigestion, Kidney and Bladder Troubles; and for all Diseases arising from Impure or Impoverished Blood \* \* \* In severe cases of Rheumatism and Gout \* \* \* a miner

cured of falling fits of nineteen years standing \* \* \* Wonderful Mineral Tonic \* \* \* has relieved thousands \* \* \* of Indigestion, Catarrh, Eczema, Diabetes, Rheumatism, Piles, Inflamed Sore Eyes, Gout, Blood Poison, Old Sores, Erysipelas, Tetter, Flux, Constipation, Female Complaints and Irregularities, and all Blood Diseases. If you are afflicted with any of these diseases or if your system is all run down \* \* \* this Wonderful Natural Remedy will do wonders for you."

On October 16, 1926, no claimant having appeared for the property, judgment was entered, finding the product misbranded, and it was ordered by the court that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14713. Adulteration and misbranding of canned tomatoes. U. S. v. 880 Cartons, et al., of Canned Tomatoes. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 21325. I. S. Nos. 13691-x, 13692-x, 13693-x, 13694-x. S. No. E-5879.)**

On October 13, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3,505 cartons of canned tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Burlington County Canning Co., Vincentown, N. J., alleging that the article had been shipped from Vincentown, N. J., in various consignments, on or about August 25 and 31 and September 10 and 16, 1926, respectively, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tomatoes."

It was alleged in the libels that the article was adulterated, in that a substance, added puree, pulp or juice from skins and cores 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 "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 18, 1926, Felix Spatola & Sons, Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were 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 \$7,800, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**14714. Adulteration of pears. U. S. v. 246 Boxes, et al., of Pears. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21305. S. No. E-5872.)**

On October 1, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 364 boxes and 289 half boxes of pears, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Bear Creek Orchards, Medford, Oreg., (on or about September 8, 1926); and transported from the State of Oregon into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled "Stamp Brand" or "Bear Creek Brand."

Adulteration of the article was alleged in the libel for the reason that a substance had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, in that a substance had been substituted in part for the said article, in that a substance had been mixed therewith in a manner whereby damage and inferiority was concealed, and in that the article contained an added poisonous or other added deleterious ingredient which might have rendered it injurious to health.

On October 11, 1926, the Bear Creek Orchards, Inc., Medford, Oreg., 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 deposit of \$3,000, in lieu of a bond, conditioned in part that it be reconditioned