

ment by said defendant, in violation of the food and drugs act, on or about February 4, 1925, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated.

Adulteration of the article was alleged in the information for the reason that water had been substituted in part for oysters, for the further reason that an excessive amount of water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a valuable constituent, oyster solids, had been in part abstracted therefrom.

On November 5, 1926, a plea of guilty to the information was entered, and the court imposed a fine of \$20 and costs.

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

**14795. Adulteration of canned blueberries. U. S. v. 25 Cases, et al., of Blueberries. Decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 18553, 18556, 18767 to 18771, incl. I. S. Nos. 12819-v, 12904-v. S. Nos. E-4801, E-4858.)

On April 15 and June 3, 1924, respectively, the United States attorney for the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 517½ cases of canned blueberries, in part at Albany, N. Y., and in part at Troy, N. Y., alleging that the article had been shipped by Jasper Wyman & Son, in part from Cherryfield, Me., and in part from Millbridge, Me., in two consignments, on or about September 18 and 23, 1923, respectively, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wyman's Brand Blueberries Packed And Guaranteed By Jasper Wyman & Son Millbridge, Me."

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

On October 30, 1926, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**14796. Supplement to Notice of Judgment No. 14402. Alleged adulteration and misbranding of tomato sauce. U. S. v. 11 Cases of Tomato Sauce. Default order opened and case dismissed.** (F. & D. No. 19454. I. S. No. 13411-v. S. No. E-5088.)

The above case involving the shipment of 11 cases of tomato sauce by A. Morici & Co., San Francisco, Calif., on September 23, 1924, from the State of California into the State of New York, in which a libel was filed on January 2, 1925, charging adulteration and misbranding of the product and praying seizure and condemnation thereof, was reopened subsequent to the entry of the default order of condemnation, forfeiture, and destruction entered on June 18, 1926.

On January 6, 1927, the claimant, Scalfani Bros., Brooklyn, N. Y., having established that the product was properly labeled at the time of seizure, the court ordered that the case be dismissed.

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

**14797. Adulteration and misbranding of canned tomatoes and adulteration of tomato puree and tomato catsup. U. S. v. Davis Canning Co. Plea of guilty. Fine, \$200.** (F. & D. No. 19676. I. S. Nos. 13214-v, 13219-v, 13447-v, 13448-v, 15517-v, 16183-v, 17120-v, 17144-v, 17342-v, 22230-v, 22231-v.)

On January 13, 1926, the United States attorney for the District of Delaware, 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 Davis Canning Co., Laurel, Del., alleging shipment by said company, in violation of the food and drugs act, in various consignments between the approximate dates of September 12, 1924, and October 23, 1924, from the State of Delaware into the States of Pennsylvania, Maine, and New York, respectively, of quantities of canned tomatoes which were adulterated and misbranded; on or about October 4, 1924, from the State of Delaware into the State of Pennsylvania, of a quantity of tomato puree which was adulterated; and on or about October 2 and 8, 1924, respectively, from the State of Delaware into the State of Mary-

land, of quantities of tomato catsup which was adulterated. The canned tomatoes were labeled in part: "Tomatoes," together with a design showing ripe tomatoes. A portion of the said tomatoes were further labeled: "Dee Bee Brand \* \* \* Packed By Davis Canning Co. Laurel, Del." The remaining articles were labeled in part: "Tomato Puree" (or "Tomato Catsup") "Packed By The Davis Canning Co. Laurel, Del."

Adulteration of the canned tomatoes was alleged in the information for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration of the tomato puree and the tomato catsup was alleged in the information for the reason that the said articles consisted in part of filthy and decomposed and putrid vegetable substances.

Misbranding of the canned tomatoes was alleged for the reason that the statements, "Quality First Tomatoes" or "Tomatoes," as the case might be, together with the designs showing red ripe tomatoes, borne on the labels, were false and misleading, in that the said statements and designs represented that the article consisted solely of tomatoes, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted solely of tomatoes, whereas it did not but did consist in part of added water. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, tomatoes.

On October 7, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

**14798. Misbranding of Aspironal. U. S. v. 58 $\frac{1}{4}$  Dozen Bottles of Aspironal. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15721 to 15725, incl. S. Nos. E-3673 to E-3676, incl.)**

On December 7, 1921, the United States attorney for the Western District of North Carolina, 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 58 $\frac{1}{4}$  dozen bottles of Aspironal, in various lots at Charlotte, Greensboro, and Winston-Salem, N. C., respectively, alleging that the article had been shipped by the Aspironal Laboratories, Atlanta, Ga., between the dates of August 13, 1920, and October 20, 1921, and that it had been transported from the State of Georgia into the State of North Carolina, 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 sodium salicylate, camphor, menthol, extracts of plant drugs including cascara sagrada and belladonna, alcohol, water, and a small quantity of sugar.

It was alleged in substance in the libel that the article was misbranded, in that the label on the bottle was false and fraudulent, in that it claimed curative and therapeutic effects following the use of the said article as a remedy for coughs, colds, influenza, La Grippe, headache, toothache, earache, stomach ache, neuralgia, sciatica, and rheumatism, whereas the article contained no ingredient or combination thereof capable of producing the effects claimed.

On October 11, 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.

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

**14799. Adulteration of canned salmon. U. S. v. 67 Cases and 102 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21376. I. S. Nos. 10842-x, 10843-x. S. No. W-2042.)**

On or about November 15, 1926, the United States attorney for the Northern District of California, 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 169 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Alaska Salmon Co., from Nushagak, Alaska, on or about August 24, 1926, and transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food