

8009. Adulteration of smoked fish. U. S. * * * v. 286 Boxes of Smoked Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12568. I. S. No. 8251-r. S. No. C-1873.)

On or about March 31, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying for the seizure and condemnation of a certain quantity of smoked fish, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on January 9, 1920, by the David H. Lane Co., Gloucester, Mass., and transported from the State of Massachusetts into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On April 27, 1920, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

8010. Misbranding of gluten feed. U. S. * * * v. William B. Woolner, Sam Woolner, Jr., and Alfred Woolner (Continental Cereal Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 6363. I. S. No. 3570-1.)

On April 9, 1918, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William B. Woolner, Sam Woolner, Jr., and Alfred Woolner (Continental Cereal Co.), alleging shipment by said company, on or about December 13, 1915, from the State of Illinois into the State of New York, of a quantity of gluten feed which was misbranded. The article was labeled: (Tag) "100 Lbs. Continental Gluten Feed. Protein 29 per cent. Minimum to 34 per cent. Maximum Fat 10 per cent. Minimum to 15 per cent. Maximum Fiber 7 per cent. Minimum to 10 per cent. Maximum A Distillery By-Product Manufactured from Corn, Oats, Rye and Barley Manufactured by Continental Cereal Company Peoria, Illinois;" (sack) "100 lbs. Continental Gluten Feed Fat 10% Minimum to 15% Maximum Protein 29% Minimum to 34% Maximum. Continental Cereal Co., Peoria, Ill. U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

	Per cent.
Ether extract (crude fat)-----	8.0
Protein -----	25.8

No rye was found.

Misbranding of the article was alleged in the information for the reason that the statement, "Fat 10 per cent. Minimum to 15 per cent. Maximum Protein 29 per cent. Minimum to 34 per cent. Maximum," borne on the labels thereof, was false and misleading, and the article was labeled so as to deceive and mislead the purchaser thereof, in that it represented to purchasers that the said article contained not less than 10 per cent of fat and not less than 29 per cent of protein, whereas, in truth and in fact, the article did contain less than 10 per cent of fat and did contain less than 29 per cent of protein. Misbranding was alleged for the further reason in that the statement "Manufactured from Corn, Oats, Rye and Barley" was false and misleading and deceived and misled the

purchaser in that it represented to purchasers that the article contained rye, whereas, in truth and in fact, the said article contained no rye.

On December 9, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

S011. Misbranding of cottonseed meal. U. S. * * * Planters Oil Mill & Gin Co., a Corporation Plea of guilty. Fine, \$100 and costs. (F. & D. No. 7657. I. S. No. 19088-1.)

On October 1, 1917, the United States attorney for the Northern District of Mississippi, 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 Planters Oil Mill & Gin Co., a corporation, Kosciusko, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 17, 1915, from the State of Mississippi into the State of Indiana, of a quantity of an article, labeled in part "Owl Brand High Grade Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.9 per cent of protein and 16.6 per cent of crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statements regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Guaranteed Analysis * * * Protein 41% * * * Fibre Maximum 10%" and "These are minimum guarantees Frequently runs higher," were false and misleading in that they indicated to purchasers thereof that the article contained not less than 41 per cent of protein and not more than 10 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 41 per cent of protein and not more than 10 per cent of fiber, when, in truth and in fact, it contained less than 41 per cent of protein and more than 10 per cent of fiber, to wit, 34.9 per cent of protein and 16.6 per cent of fiber.

On October 6, 1919, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$100 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

S012. Misbranding of White's Wonder Worker. U. S. * * * v. George W. Smith (W. W. W. Medicine Co.). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 8672. I. S. No. 10776-m.)

On March 4, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Smith, trading as the W. W. W. Medicine Co., Pickering, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 10, 1917, from the State of Missouri into the State of Kansas, of a quantity of an article, labeled in part "White's Wonder Worker," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of magnesium sulphate, quassia, ginger, caramel, water, and 8.2 per cent by volume of alcohol.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the label of said article, falsely and fraudulently represented it to be effective as a remedy for malaria,