

labeled in part, "143 lbs. Net Rice Bran Manufactured by Beaumont Rice Mills, Beaumont, Texas."

Examination of the article by the Bureau of Chemistry of this department showed the average net weight of 60 sacks to be 123.37 pounds, an average shortage from the declared weight of 13.73 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "143 lbs. Net," borne on the tags attached to the sacks containing the article, regarding the article, was false and misleading in that it represented that each of the sacks contained 143 pounds net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 143 pounds net thereof, whereas, in truth and in fact, each of the sacks contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 17, 1920, 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.

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

SS75. Misbranding of Dr. J. H. Luff's Tendinol and Cough, Cold and Distemper Cure. U. S. * * * v. J. Homer Luff (Carter-Luff Chemical Co.). Plea of guilty. Fine, \$1. (F. & D. No. 12813. I. S. Nos. 14188-r, 14189-r.)

On December 6, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Homer Luff, trading as the Carter-Luff Chemical Co., Hudson, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 21, 1919, from the State of New York into the State of New Jersey, of quantities of Dr. J. H. Luff's Tendinol and Cough, Cold and Distemper Cure which were misbranded. The articles were labeled in part, respectively, "Dr. J. H. Luff's Tendinol * * *" and "Dr. J. H. Luff's Cough," (design of horse) "Cold and Distemper Cure * * * Prepared by J. H. Luff, D. V. S. Hudson, N. Y."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Tendinol consisted of a heavy mineral oil, a saponifiable oil, and 0.76 gram of sulphurous acid per 100 mls, and that the Cough, Cold and Distemper Cure consisted of sodium chlorid, magnesium carbonate, potassium nitrate, linseed meal, gentian, and asafetida.

Misbranding of the Tendinol 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 labels of the bottles and cartons, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for spavins, splints, curbs, tumors, founder, and sweeny, and to remove abnormal growths, when, in truth and in fact, it was not. Misbranding of the Cough, Cold and Distemper Cure was alleged in substance for the reason that certain statements, designs, and devices, regarding the therapeutic and curative effects thereof, appearing on the packages, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for distemper, influenza, pinkeye, and lung fever, when, in truth and in fact, it was not.

On December 22, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1.

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