

judgment was entered finding the product to be misbranded but not adulterated, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the goods be relabeled under the supervision of this department, and that the case be dismissed.

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

9377. Adulteration and misbranding of oleomargarine. U. S. * * * v. A. H. Kuhlemann Co., a Corporation. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 14311. I. S. No. 14654-r.)

On May 14, 1921, the United States attorney for the District of Maryland, 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 A. H. Kuhlemann Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 13, 1920, from the State of Maryland into the State of Pennsylvania, of a quantity of oleomargarine which was adulterated and misbranded. The article was labeled in part, (carton) "Nutlet Brand Coco-Pea-Nut Oleomargarine * * * Nutlet Brand Nut Margarine The A. H. Kuhlemann Co. Manufacturers Baltimore, Maryland."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 10 per cent of cottonseed oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for a product made from coconuts and peanuts, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Coco-Pea-nut," together with the design and device of a coconut tree bearing coconuts and the design of a peanut, borne on the cartons containing the article, and the statement, to wit, "Made from Coconuts and Peanuts," borne on the wrappers accompanying the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was made wholly from coconut oil and peanut oil, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made wholly from coconut oil and peanut oil, whereas, in truth and in fact, it was not made wholly from coconut oil and peanut oil, but was made in part from cottonseed oil.

On May 14, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

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

9378. Adulteration and misbranding of catsup. U. S. * * * v. 24 Cases and 13 and 24 Cases * * * of * * * Polk's Best Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14374, 14375. I. S. Nos. 13155-t, 13156-t. S. Nos. E-3075, E-3076.)

On January 29, 1921, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 24 cases of Polk's Best Catsup, and 13 cases, 16-ounce bottles, and 24 cases, 8-ounce bottles, of Polk's Best Catsup, remaining unsold in the original unbroken packages at Gardiner and Bangor, Me., respectively, alleg-

ing that the article had been shipped by the J. T. Polk Co., Mound City, Ill., on or about November 5 and December 5, 1920, respectively, and transported from the State of Illinois into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

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

Misbranding was alleged in substance for the reason that the article was food in package form, and the contents thereof were not plainly and correctly stated in terms of weight or measure on the outside of the packages.

On February 10 and 24, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

9379. Misbranding of Egyptian Regulator Tea. U. S. * * * v. 2 Dozen Bottles * * * of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14421. Inv. No. 26547. S. No. C-2782.)

On February 8, 1921, 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 for the seizure and condemnation of 2 dozen bottles, more or less, of Egyptian Regulator Tea, at Chicago, Ill., alleging that the article had been shipped by the Owl Medicine Co., Columbus, Ohio, on December 12, 1920, and transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of broken and cut vegetable drugs, including senna, coriander, doggrass, licorice, ginger, sambucus, cinnamon, and taraxacum.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the curative or therapeutic effect thereof, appearing in the circular accompanying each bottle containing the said article, to wit, "Egyptian Regulator Tea. A Speedy and Positive Relief for Dyspepsia, Liver Complaint, Sick Headache, Nervousness * * * Nature's own gift to dyspeptic, debilitated men, to Wornout. Nervous women, to Mothers of Peevish and Sickly Children, to girls just budding into womanhood, to sufferers from defective nutrition and blood diseases, to corpulent people whether male or female, old or young. * * * Rheumatism, Neuralgia, Sick Headache, Pains in all parts of the body, running sores, pimples, boils, carbuncles and skin diseases * * * Lung trouble and consumption, Premature Old Age, Lack of Youthful energy, beauty and vigor, sallow complexion and haggard, careworn look * * * Diabetes * * * malaria * * * Killing the disease Germs * * * Heart Troubles, Paralysis Rheumatism. Gout * * * Apoplexy," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that the said article was composed of or contained ingredients or medicinal agents or combinations of ingredients effective as a remedy for the several diseases, ailments, and afflictions mentioned in the said circular.

On April 15, 1921, 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.*