

9636. Adulteration and misbranding of poppy seeds. U. S. * * * v. 2 Sacks * * * of Poppy Seeds. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12538. I. S. No. 14098-r. S. No. E-2055.)

On April 6, 1920, the United States attorney for the District of New Jersey, 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 sacks, containing 125 pounds and 140 pounds, respectively, of poppy seeds, at Paterson, N. J., alleging that the article had been shipped by Henry Ettinger, New York, N. Y., on or about January 28, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was sold as blue poppy seed.

Adulteration of the article was alleged in the libel for the reason that artificially colored white poppy seeds had been substituted wholly or in part for the said article, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding of the article was alleged for the reason that it was an imitation of another article.

On October 1, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9637. Misbranding of Capitol hog remedy. U. S. * * * v. 84 Cartons, 25-Cent Size, and 24 Cartons, 75-Cent Size, of Capitol Hog Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12608. I. S. Nos. 157-r, 158-r. S. No. E-2074.)

On April 22, 1920, the United States attorney for the Eastern 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 for the seizure and condemnation of 84 cartons, 25-cent size, and 24 cartons, 75-cent size, of Capitol hog remedy, at Duke, N. C., alleging that the article had been shipped by the Capitol Food Co., Tiffin, Ohio, on or about November 21, 1919, and transported from the State of Ohio into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton, 25-cent size) “* * * Capitol Hog Remedy * * * Superior * * * Remedy For Swine. * * * Recommended for Hog Cholera, Scrofula, Inflammatory and all Contagious Diseases peculiar to swine; purifies the blood; * * * an invaluable remedy for Hog Cholera, Scrofula, Inflammatory conditions and all contagious diseases peculiar to Swine. * * * Cures Indigestion, * * * keeps the Hogs healthy * * * Capitol Hog Remedy insures health * * * A Wonder In The Development Of Swine. Recommended to cure and prevent diseases, produces an extraordinary rapid growth * * * Recommended to cure and prevent Hog Cholera and all contagious diseases peculiar to Swine; * * * restores Hogs to a good healthy condition. Save Your Hogs * * * feed Capitol Hog Remedy * * * regularly for three months, thus insuring no loss whatever from Cholera or any other disease, * * * This will keep them free from disease * * * For Young Pigs * * * will insure a rapid growth and prevent all diseases. * * * For Hog Cholera—As soon as you notice that Hog Cholera has begun on your herd, * * * Give from two to three tablespoonfuls of Capitol Hog Remedy * * *.” (The carton of the 75-cent size contained similar statements.)

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a vegetable meal, salt, charcoal, ferrous sulphate, and small amounts of nux vomica, quassia, and worm seed.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 17, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9638. Misbranding of butter. U. S. * * * v. Beatrice Creamery Co., a Corporation. Plea of guilty. Fine, \$80 and costs. (F. & D. No. 12793. I. S. Nos. 6759-r, 7574-r, 7575-r, 8851-r.)

On January 21, 1921, the United States attorney for the Northern District of Iowa, 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 Beatrice Creamery Co., a corporation, Dubuque, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 25, September 8, and September 9, 1919, respectively, from the State of Iowa into the State of Illinois, of quantities of butter which was misbranded.

Examination of samples of the article taken from each of the consignments, by the Bureau of Chemistry of this department, showed that the average net weight was 15.49 ounces, 15.55 ounces, 15.74 ounces, and 15.75 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the respective statements, to wit, "One Pound," "Contents 1 Lb. Net," "One Pound Net," and "1 Lb.," borne on the packages containing the article, regarding the article, were false and misleading in that they represented that each of the said packages contained one pound of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained one pound of the article, whereas, in truth and in fact, each of the said packages did not contain one pound of the article but did contain a less amount. Misbranding was alleged for the further reason that the said 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 April 30, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9639. Adulteration of green coffee. U. S. * * * v. 67,193 Pounds * * * of Green Coffee. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15166. I. S. No. 4929-t. S. No. C-3122.)

On July 15, 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 67,193 pounds, more or less, of green coffee, at Chicago, Ill., alleging that the article had been shipped from San Francisco, Calif., on May 27, 1921, and transported from the State of California 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 for the reason that it consisted wholly or in part of a filthy vegetable substance, and for the further reason that it consisted wholly or in part of a decomposed vegetable substance.