

contained not less than 36 per cent of protein and not less than 7 per cent of ammonia and that the product involved in one of the consignments contained not more than 14 per cent of fiber, whereas, in truth and in fact, the said article contained less than 36 per cent of protein, less than 7 per cent of ammonia, and the product involved in one of the consignments contained more than 14 per cent of fiber.

On December 22, 1919, no appearance having been entered on behalf of the defendant company, which at that time was defunct, a judgment by default was entered by the court in the sum of \$50.

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

**9764. Misbranding of vegetable regulator and iron elixir. U. S. * * *
v. Charles S. Miller. Plea of guilty. Fine, \$200 and costs. (F. &
D. No. 11040. I. S. Nos. 6695-r, 6696-r.)**

On February 14, 1921, the Grand Jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district returned in the District Court of the United States for the district aforesaid an indictment in four counts against Charles S. Miller, Vincennes, Ind., charging shipment by said defendant, on or about August 7, 1919 [1918], and January 13, 1919, respectively, in violation of the Food and Drugs Act, as amended, from the State of Indiana into the State of Missouri, of quantities of iron elixir and improved vegetable regulator, respectively, which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the vegetable regulator was an alkaline, aqueous solution containing emodin (aloes) and sodium bicarbonate, slightly flavored with oil of peppermint, with a small amount of alcohol present; and that the iron elixir was a dilute, slightly acid aqueous solution of sodium citrate and iron chlorid, with a slight trace of alcohol present.

Misbranding of the vegetable regulator was charged in the indictment for the reason that the following statements concerning the said article, appearing on the labels, to wit, "Vegetable Regulator * * * Guaranteed under the Pure Food and Drug Act of June 30, 1906. Serial No. 2987," were false and misleading in that they represented to purchasers of the said article that it was composed exclusively of vegetable substances, that it was guaranteed by the United States not to be adulterated or misbranded, and that the said guarantee was numbered with the serial number 2987, whereas, in fact and in truth, the article was not composed exclusively of vegetable substances, it was not guaranteed by the United States in any manner or for any purpose whatever, and it had no guaranty under any serial or other number. Misbranding was charged in substance with respect to both products for the reason that certain statements appearing on the labels of the respective bottles and cartons containing the articles, concerning the curative and therapeutic effects thereof, falsely and fraudulently represented that the vegetable regulator was effective as a treatment, remedy, and cure for diseases of the liver, sick and nervous headache, jaundice, restlessness, nervousness, depression of the spirit, acute pain and distress from indigestion, sleeplessness, and all diseases pertaining to the stomach and bowels and arising from disorder thereof, effective to restore the functions of the alimentary canal and its accessories to their normal action, to complete digestion when the stomach has failed, to correct all irregularities and overcome the most desperate chronic case, and effective as a treatment, remedy, and cure for neuralgia, female disorders, rheumatism and fever and ague caused by biliousness; and that the iron elixir was effective as a treatment, remedy, and cure for pimples and boils, as a blood purifier in

depressed states of the blood, to correct the inroads made upon the system by the ravages of impure blood, and to remove from the blood those humors and principles which disturb its purity, whereas, in fact and in truth, they were not.

On March 8, 1921, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$200 and costs.

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

9765. Adulteration of shell eggs. U. S. * * * v. Eli R. Williams (Williams Produce Co.). Plea of guilty. Fine, \$50. (F. & D. No. 11961. I. S. No. 8606-r.)

On May 24, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eli R. Williams, trading as the Williams Produce Co., Fargo, N. D., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 8, 1919, from the State of North Dakota into the State of Minnesota, of a quantity of shell eggs which were adulterated.

Examination of 10 cases, 180 eggs from each case, of the article by the Bureau of Chemistry of this department showed the presence of 229, or 12.7 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and heavy blood rings.

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

On August 26, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

9766. Adulteration and misbranding of canned tuna fish. U. S. * * * v. 119 Cases and 50 Cases of * * * Tuna Fish. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12060, 12061, 12062, 12147. I. S. Nos. 14151-r, 13525-r, 14158-r. S. Nos. E-1912, E-1975.)

On December 5, 1919, and February 14, 1920, respectively, the United States attorney for the Western 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 for the seizure and condemnation of 119 cases and 50 cases of tuna fish, consigned by the White Star Canning Co., East San Pedro, Calif., remaining unsold in the original unbroken packages, in part at Elmira and in part at Corning, N. Y., alleging that the article had been shipped from East San Pedro, Calif., on or about October 2 and September 23, 1919, respectively, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that striped tuna (*Gymnosarda pelamis*) had been mixed and packed with, and substituted wholly or in part for, California tuna.

Misbranding was alleged in substance for the reason that the statements, "Blue Fin White Meat Tuna, Selected White Meat of California Tuna," borne on the packages containing the said article, were false and misleading in that they represented the said article to be meat of the California blue fin tuna, 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 California blue fin tuna, whereas, in truth and in fact, it was not, but was composed wholly or in part of striped tuna (*Gymnosarda pelamis*). Misbranding was alleged for the further