

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 lbs. Gross, 99 lbs. Net," borne on the tags attached to the sacks containing the article, regarding the said article, was false and misleading in that it represented that each of the said sacks contained 99 pounds of the 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 sacks contained 90 pounds thereof, whereas, in truth and in fact, each of the said sacks did not contain 99 pounds of the said article, but did contain a less amount.

On September 30, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

**9924. Misbranding of McConnon's stock tonic. U. S. \* \* \* v. 42 Packages and 5 Pails of McConnon's Stock Tonic. Default decrees of condemnation and forfeiture. Product ordered disposed of according to law.** (F. & D. Nos. 11456, 11468. I. S. Nos. 8414-r, 8415-r, 8416-r. S. Nos. C-1526, C-1543.)

On October 10 and 15, 1919, respectively, the United States attorney for the Eastern District of Arkansas, 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 42 packages and 5 pails of McConnon's stock tonic, at Cotton Plant, Ark., alleging that the article had been shipped by McConnon & Co., Memphis, Tenn., August 5 and 29, 1919, respectively, and transported from the State of Tennessee into the State of Arkansas, 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 salt, charcoal, American wormseed, capsicum, gentian, fenugreek, and cereal filler.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects thereof, to wit, (wrapper) "\* \* \* Horses \* \* \* For \* \* \* epizooty, influenza, \* \* \* Hog Cholera. \* \* \* Feed two large tablespoonfuls to each hog or two pigs three times a day. If diseased feed 1 to 6 tablespoonfuls to each hog or two pigs 3 times a day. \* \* \*," (booklet) "\* \* \* Cattle, Milch Cows and Calves \* \* \* Scours. McConnon's Stock Tonic in doses of two or three tablespoonfuls three times a day. In very bad cases add a tablespoonful of powdered charcoal to the dose of the Tonic and mix with the regular feed. \* \* \* Hogs, Sows, Pigs and Shoats \* \* \* Scours. Give two or four tablespoonfuls of McConnon's Stock Tonic to each pig in small amounts of feed. If disease is very bad add one tablespoonful of powdered charcoal to the regular dose of Tonic and feed until disease is improved, then use the Tonic only. Hog Cholera. \* \* \* Give each hog six large tablespoonfuls McConnon's Stock Tonic in good, wholesome, easily digested food, such as ground feed, rye, oats, etc., mixed with milk or pure water, every three hours until cured. Be sure that each hog gets his proper share of the Tonic, otherwise it will not act. The dose can be increased if necessary with perfect safety. If you have hog cholera on your premises or in your neighborhood feed well hogs four tablespoonfuls of McConnon's Stock Tonic three or four times a day in regular food \* \* \*," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 23, 1920, 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 disposed of according to law and acting upon this order the United States marshal destroyed the goods.

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

**9925. Adulteration and misbranding of wheat flour. U. S. \* \* \* v. 434 Sacks of Wheat Flour "D. C." Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14602. I. S. No. 6521-t. S. No. E-3173.)**

On March 10, 1921, 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 a libel for the seizure and condemnation of 434 sacks of wheat flour, labeled "D. C.," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Dillsburg Grain Milling Co., Dillsburg, Pa., on or about September 22, 1920, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with, and substituted in part for, the article and for the further reason that it had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, wheat flour, and for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 7, 1921, George P. White, Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, 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 \$1,860, in conformity with section 10 of the act.

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

**9926. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. 75 Sacks of Cottonseed Meal \* \* \*. Order of the court authorizing release of product under bond. (F. & D. No. 14856. I. S. No. 10790-t. S. No. W-920.)**

On May 9, 1921, the United States attorney for the District of New Mexico, 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 75 sacks of cottonseed meal, remaining unsold in the original packages at Raton, N. M., alleging that the article had been shipped by the McCall Cotton & Oil Co., Phoenix, Ariz., November 15, 1920, and transported from the State of Arizona into the State of New Mexico, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 38.61 per cent of protein.

It was alleged in the libel that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein meal, which the said article purported to be.

Misbranding of the article was alleged in substance in the libel for the reason that the tags attached to the sacks containing the said article bore the statement regarding the composition thereof, to wit, "\* \* \* Protein 43% \* \* \*."