

other shipment of August 28 contained at least 9 per cent of oats, including wild oats, and a small amount of weed seeds.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, weed seeds, and other foreign material, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for ground barley, which the article purported to be.

Misbranding was alleged for the reason that the article was a mixture composed in part of oats, weed seeds, and other foreign material, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, ground barley, 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. Misbranding was alleged with respect to a portion of the said article for the further reason that the statement, to wit, "Gr-Barley," borne on the tags attached to the sacks containing the said article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of ground barley, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of ground barley, whereas, in truth and in fact, the said article did not so consist but did consist in part of oats, weed seeds, and other foreign material.

On October 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**10021. Adulteration and misbranding of ground barley. U. S. \* \* \* v. Gould Grain Co., a Corporation. Plea of guilty. Fine, \$1. (F. & D. No. 13929. I. S. No. 12165-r.)**

On May 17, 1921, the United States attorney for the District of Minnesota, 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 Gould Grain Co., a corporation, trading at Minneapolis, Minn., alleging shipment by said company, on or about September 5, 1919, in violation of the Food and Drugs Act, as amended, from the State of Minnesota into the State of Indiana, of a quantity of ground barley which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained at least 7 per cent of oats, including wild oats, also a considerable amount of weed seeds.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, weed seeds, and other foreign material, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for ground barley, which the said article purported to be.

Misbranding was alleged for the reason that the article was a mixture composed in part of oats, weed seeds, and other foreign material, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, ground barley. 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 September 7, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

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

**10022. Adulteration and misbranding of whole ground barley. U. S. \* \* \* v. Albert Dickinson Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 13931. I. S. No. 12166-r.)**

On May 17, 1921, the United States attorney for the District of Minnesota, 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 Albert Dickinson Co., a corporation, trading at Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 27, 1919, from the State of Minnesota into the State of Indiana, of a quantity of whole ground barley which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 8.51 per cent of crude fiber. Examina-

tion of a sample by said bureau showed that it contained at least 5 per cent of oats, including wild oats, and that it also contained wheat bran, weed seeds, and a trace of cottonseed meal.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, wheat bran, weed seeds, and other foreign materials, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for ground barley, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Whole Ground Barley" and "Fibre 7.5%," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article consisted only of whole ground barley and that it contained not more than 7.5 per cent of fiber, 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 consisted only of whole ground barley and that it contained not more than 7.5 per cent of fiber, whereas, in truth and in fact, it did not consist only of whole ground barley but did consist in part of oats, wheat bran, weed seeds, and other foreign material, and it did contain more than 7.5 per cent of fiber, to wit, approximately 8.51 per cent of fiber. Misbranding was alleged for the further reason that the article was a mixture composed in part of oats, wheat bran, weed seeds, and other foreign material, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, whole ground barley.

On October 7, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**10023. Misbranding of Euca-Mul. U. S. \* \* \* v. 6 Dozen and 6 Dozen Bottles of Euca-Mul. Default decrees ordering the destruction of the product.** (F. & D. Nos. 14251, 14252. Inv. Nos. 26966, 26967. S. Nos. C-2739, C-2740.)

On January 26, 1921, the United States attorney for the District of Minnesota, 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 12 dozen bottles of Euca-Mul, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the E. G. Binz Co., Los Angeles, Calif., on or about November 6, 1920, and transported from the State of California into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "\* \* \* Indicated In Croup \* \* \* Bronchial Asthma Tuberculosis Whooping Cough And Other Throat And Lung Affections \* \* \* relieves \* \* \* bronchial asthma. Especially effective in cough of phthisis and Whooping Cough. \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an emulsion consisting essentially of sugar, gum, eucalyptus oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the label of the bottle containing the said article, regarding its curative and therapeutic effects, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On October 28, 1921, no claimant having appeared for the property, judgments of the court were entered ordering that the product be destroyed by the United States marshal.

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

**10024. Adulteration and misbranding of port hot, port hot cherry, apple, orange, port hot Clico, port hot apple, and blackberry punch beverages. U. S. \* \* \* v. One Keg of Port Hot, et al. Default decrees finding products adulterated and misbranded and ordering their destruction.** (F. & D. Nos. 14459, 14460, 14461, 14462. Inv. Nos. 27405, 27406, 27407, 27408, 27409, 27412, 27415, 27416. S. Nos. C-2719, C-2720, C-2721, C-2722, C-2723.)

On February 19, 1921, the United States attorney for the Western District of Arkansas, 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 2 kegs of port hot, 1 keg of port hot cherry, 1 keg of apple, 1 keg of orange, 1 keg of port hot Clico, 1 keg of port hot apple, and 1 barrel of