

State of Illinois into the State of Minnesota, 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 of iodine, potassium iodide, plant extractives, sugar, aromatics, alcohol, and water.

Misbranding of the article was alleged in substance in the labels for the reason that the following statements appearing on the bottle and carton containing the article, " * * * Rheumatic Remedy * * * Rheumatism, Neuralgia, Lumbago, Sciatica, or Gout * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 20 and December 15, 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.

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

10220. Misbranding of DuBois Pacific pills. U. S. * * * v. 137 Boxes * * * of DuBois Pacific (Pacific) Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14649. Inv. No. 26991. S. No. C-2880.)

On March 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 a libel for the seizure and condemnation of 137 boxes of DuBois Pacific (Pacific) pills, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by William A. Baumgartner, Detroit, Mich., on or about February 26, 1921, and transported from the State of Michigan into the State of Minnesota, 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 the pills consisted essentially of aloes and ferrous sulphate, coated with calcium carbonate and sugar.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, (circular) " * * * Reliable Female Tonic and Regulator. * * * for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills * * * a female tonic exerting helpful medicinal action over the female organs. * * * in the relieving of pain, due to leucorrhoea, etc., and regulating the menses. * * * a tonic for the female organs * * * suppressed menstruation, painful menstruation, inflammation of the vagina caused by anemia, etc. * * * For leucorrhoea * * * In cases of menstrual disturbances * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed; and for the further reason that the statement in the said circular, "DuBois Pills which are purely vegetable," was false and misleading, since the product was not purely vegetable.

On December 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.

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

10221. Misbranding of cottonseed meal. U. S. * * * v. Americus Oil Co., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 14729. I. S. No. 16831-r.)

On June 30, 1921, the United States attorney for the Southern District of Georgia, 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 Americus Oil Co., a corporation, Americus, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 14, 1920, from the State of Georgia into the State of Pennsylvania, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Sack) "100 Lbs. Cotton Seed Meal Manufactured by Americus Oil Co., Americus, Ga."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 32.90 per cent of protein and approximately 17.00 per cent of crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statements appearing on the tag attached to the sack containing the article, regarding it and the ingredients contained therein, to wit, "* * * Protein Minimum 36.00% * * * Crude Fiber Maximum 14.00% * * *," were false and misleading in that the said statements represented that the article contained not less than 36 per cent of protein and not more than 14 per cent of crude 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 contained not less than 36 per cent of protein and not more than 14 per cent of crude fiber, whereas, in truth and in fact, the said article contained less than 36 per cent of protein and more than 14 per cent of crude fiber.

On October 3, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

10222. Misbranding of potatoes. U. S. * * * v. Horace G. Ballard (H. & R. Ballard). Plea of guilty. Fine, \$25. (F. & D. No. 14741. I. S. No. 2460-t.)

On September 7, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Horace G. Ballard, trading as H. & R. Ballard, Pavo, Ga., alleging shipment by said defendant, on or about September 24, 1920, in violation of the Food and Drugs Act, as amended, from the State of Georgia into the State of Ohio, of a quantity of (sweet) potatoes in unlabeled crates, which were misbranded.

Misbranding of the article was alleged in the information for the 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 December 12, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

10223. Adulteration and misbranding of Bakers' Whip. U. S. * * * v. 7 Pounds of Bakers' Whip * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14827. I. S. No. 8475-t. S. No. E-3330.)

On April 22, 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 a libel for the seizure and condemnation of 7 pounds of Bakers' Whip, remaining in the original unbroken packages at Hagerstown, Md., consigned on or about March 30, 1921, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance containing baking powder, starch, and a small amount of gum had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements on the label of the can containing the article, to wit, "Bakers' Whip An Egg Substitute Saves Time Saves Money If you are looking for something to use in place of Eggs, this is it. There Is No Other Each one pound of Bakers' Whip is equal in strength to 50 Eggs, and should be used in like proportion. Dissolve one-fourth pound of Bakers' Whip in one pint of warm water. Stir well and it is ready to use. * * * When you consider each one-fourth lb. of Bakers' Whip is equal to about 13 eggs, you can readily determine its use. * * * Do Not Accept Imitations. This Is The Original," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 23, 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.

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