

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 5 Lbs Net," borne on the cans containing the article, regarding it, was false and misleading in that it represented that each of the cans contained 5 pounds net of the article and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained 5 pounds net of the article, whereas, in truth and in fact, each of the cans did not contain 5 pounds net of the article but did contain a less amount. 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 May 3, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

**10438. Misbranding of Surety Brand cottonseed meal. U. S. \* \* \* v. American Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 15574. I. S. Nos. 12416-t, 12417-t.)

On January 21, 1922, the United States attorney for the Eastern District of Arkansas, 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 American Cotton Oil Co., a corporation, doing business at Little Rock, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 22 and 29, 1920, from the State of Arkansas into the State of Ohio, of quantities of an article labeled in part, "Surety Brand Cottonseed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product involved in the shipment of October 22 contained 32.22 per cent of protein, 6.28 per cent of ammonia, and 15 per cent of crude fiber, and that the product involved in the shipment of October 29 contained 34.71 per cent of protein and 6.74 per cent of ammonia.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Cotton Seed Meal" and "Guarantee Protein Not less than 36.00 per cent, Equivalent to Ammonia 7.00 per cent \* \* \*," and in the case of one of the shipments, "Fibre Not more than 14.00 per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article consisted wholly of cottonseed meal and that said article contained not less than 36 per cent of protein and not less than 7 per cent of ammonia, and in the case of one of the shipments not more than 14 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 wholly of cottonseed meal, that it contained not less than 36 per cent of protein and not less than 7 per cent of ammonia, and in the case of one of the shipments not more than 14 per cent of fiber, whereas, in truth and in fact, said article did not consist wholly of cottonseed meal but did consist of a product which contained less than 36 per cent of protein, the normal content of genuine cottonseed meal, and said article did contain less than 36 per cent of protein, to wit, approximately 32.22 per cent or 34.71 per cent of protein, as the case might be, said article did contain less than 7 per cent of ammonia, to wit, 6.28 per cent or 6.74 per cent of ammonia, as the case might be, and in one of the shipments said article did contain more than 14 per cent of fiber, to wit, 15.04 per cent of fiber.

On April 10, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

**10439. Misbranding of crab meat. U. S. \* \* \* v. Nonnenbacher & Co., Inc. Plea of guilty. Fine, \$50.** (F. & D. No 15580. I. S. No. 6662-t.)

On March 23, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nonnenbacher & Co., Inc., a corporation, Hampton, Va., alleging shipment by said company, on or about May 24, 1921, in violation of the Food and Drugs Act, as amended, from the State of Virginia into the State of New York, of a quantity of crab meat which was misbranded. The article was labeled, "Contents 1-Lb. Net."

Examination of 40 cans of the article by the Bureau of Chemistry of this department showed an average weight of 15½ ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 1-Lb. Net," borne on the cans containing said article, regarding it, was false and misleading in that the said statement represented that each of the cans contained 1 pound net of the article, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 pound net of the article, whereas, in truth and in fact, each of said cans did not contain 1 pound net of the article but did contain a less amount. 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 May 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**10440. Misbranding of Nervtone tablets. U. S. \* \* \* v. 6 Cartons \* \* \* of Nervtone Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16182. Inv. Nos. 35446, 35614. S. No. E-3772.)**

On February 21, 1922, the United States attorney for the District of Massachusetts, 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 6 cartons of Nervtone tablets, remaining in the original unbroken packages at Lawrence, Mass., alleging that the article had been shipped on or about November 28, 1921, by A. F. Schambier, Manchester, N. H., and transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On one side of carton in English) "Nervtone Tablets 100 No. 1 \* \* \* Tablets 30 No. 2 For Liver or Kidney Troubles Recommended for Dyspepsia. Rheumatism, Indigestion, Nervous Trouble, Diminution of the ordinary vigor of the body and mind, through overwork, mental worry, and all female complaints \* \* \*"; (in French) "Recommended for Dyspepsia, Rheumatism, Indigestion, Nervousness, Exhaustion through work, Loss of Sleep, Pains in the Side or Back, Exhausted Vitality resulting from any cause whatsoever. and all diseases peculiar to women \* \* \*"; (in English on other side of carton and paper envelope inclosed) "Nervtone (No. 2) Tablets useful in \* \* \* Defective Elimination, Liver and Kidney Troubles \* \* \*"; (in French) "\* \* \* indispensable against \* \* \* diseases of the liver and kidneys \* \* \*"; (on leaflet in carton) (English and French) "\* \* \* Nervtone Tablets No. 2 \* \* \* for \* \* \* Liver and Kidney Troubles. Bilious Affections (les Systèmes Bilioux) and Digestive Disorders (la Mauvaise Digestion en général). \* \* \* Serious diseases, such as dyspepsia, gall stones, appendicitis, etc., soon make their presence felt if the stomach and bowels do not work properly. \* \* \* for the speedy relief of \* \* \* the worst forms of digestive troubles. They relieve the stomach by doing a share of its work, \* \* \* Take also Nervtone Tablets No. 1 for Indigestion, Nervousness, Rheumatism, etc. \* \* \*"; (on carton) "No \* \* \* dangerous drug."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the Nervtone Tablets No. 1 contained approximately 1/60 grain of mercuric chlorid, 1/120 grain of strychnine sulphate, 1/100 grain of arsenic trioxid, and 3 grains of iron sulphate each, together with alces and cascara sagrada extract; and that the Nervtone Tablets No. 2 contained approximately 1/120 grain of strychnine sulphate, together with cascara and belladonna extracts and aloes.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements regarding the curative and therapeutic effects of the article were false and fraudulent for the reason that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it; and for the further reason that the statement, to wit, "No \* \* \* dangerous drug," borne and labeled upon the said cartons, regarding the article and the ingredients contained therein, was false and misleading in that said statement represented the article as not being a dangerous drug and as not containing a dangerous ingredient or ingredients, whereas, in truth and in fact, said article was a dangerous drug in that it contained mercuric chlorid, strychnine sulphate, and arsenic trioxid.