

District Court of the United States for said district libels for the seizure and condemnation of 9 cases and 13 cases of stringless beans, remaining unsold in the original unbroken packages at Stamford and Danbury, Conn., alleging that the article had been shipped on or about October 20 and September 30, 1921, by the Webster-Butterfield Co., Inc., Baltimore, Md., and transported from the State of Maryland into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Webster's Best Brand Stringless Beans * * * Packed by Webster-Butterfield Co. Inc. Baltimore, Md."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On June 12, 1922, no claimants 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.*

10675. Adulteration and misbranding of cottonseed meal. U. S. * * * v. 375 Sacks * * * of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16192. I. S. No. 6735-t. S. No. E-3837.)

On April 8, 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 of information praying the seizure for condemnation of 375 sacks of cottonseed meal, remaining in the original unbroken packages at Ayer, Mass., alleging that the article had been shipped on or about March 2, 1922, by Black & Co., Macon, Ga., and transported from the State of Georgia into the Commonwealth of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. Said article was labeled in part, "Thirty Six' Brand Cotton Seed Meal. Manufactured for L. B. Lovitt & Company Memphis, Tennessee, Dallas, Texas."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and high in fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the article.

Misbranding was alleged in substance for the reason that the statements, to wit, "Cotton Seed Meal * * * Guaranteed Analysis Protein (Equivalent 7% ammonia) 36.00% * * * Fibre 14.00%," borne and labeled upon the tags attached to the sacks, concerning the amount of protein and fiber in the article, were false and misleading in that said statements represented and guaranteed the article to contain 36 per cent of protein and 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it contained 36 per cent of protein and 14 per cent of fiber, whereas, in truth and in fact, said article contained less than 36 per cent of protein and more than 14 per cent of fiber.

On May 2, 1922, the matter having come on to be heard and the J. Cushing Co., Fitchburg, Mass., having filed satisfactory bond in conformity with section 10 of the act, the court found the product to be adulterated and misbranded as alleged, and condemned the same, but ordered that upon payment of the costs of the proceedings the product might be delivered to said claimant.

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

10676. Misbranding of olive oil. U. S. * * * v. 87 Cans * * * of Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 16352. I. S. Nos. 13925-t, 13304-t. S. No. W-1092.)

On May 29, 1922, the United States attorney for the District of Wyoming, 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 87 cans, more or less, of olive oil, remaining unsold in the original unbroken packages at Cheyenne, Wyo., alleging that the article had been shipped on or about April 15, 1922, from Chicago and transported from the State of Illinois into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Athlete Brand Pure Olive Oil Nasiacos Importing Co., Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statement upon each of 41 cans of said product, "Contents $\frac{1}{2}$ Gallon" or "60

Fl. Ozs.," and the statement on 46 cans of the product, "Contents $\frac{1}{4}$ Gallon" or "30 Fl. Ozs.," were false and misleading in that the contents of each of the cans was not one full half gallon or one full fourth gallon, as the case might be, but only a part thereof. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure, but that said packages were so marked as to deceive and mislead the purchaser, and 41 of said cans purported to contain a full half gallon and 46 of said cans purported to contain a full one-fourth gallon, whereas, in truth and in fact, each of said 41 cans did not contain a full half gallon and each of said 46 cans did not contain a full one-fourth gallon.

On July 3, 1922, 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 sold at public auction by the United States marshal and that before delivering the same to any purchaser he should require said purchaser to relabel the cans so as to show the true quantity of olive oil therein before offering the same for sale.

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

10677. Misbranding of The Healing Springs Water. U. S. * * * v. 9 Cases * * * The Healing Springs Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16361. I. S. No. 15520-t. S. No. E-3889.)

On June 3, 1922, 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 9 cases containing bottles of The Healing Springs Water at New York, N. Y., alleging that the article had been shipped on or about May 14, 1922, by the Virginia Hot Spring Co., Hot Springs Va., and transported from the State of Virginia into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, in part, "A medicinal water recommended in the case of gout, rheumatism, insomnia, kidney and bladder troubles and for the nervous system."

Analysis of a sample of the water by the Bureau of Chemistry of this department showed that it was a moderately mineralized water, the principal dissolved constituents being bicarbonates of calcium and magnesium and sulphate of magnesium.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, appearing on the bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent for the reason that said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it, and for the further reason that said article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 4, 1922, 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.*

10678. Adulteration of chloroform. U. S. * * * v. 31 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16476. Inv. Nos. 41311, 41312, 41313, 41314, 41315, 41316, 41317. S. No. E-3990.)

On June 28, 1922, the United States attorney for the District of Maine, 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 31 tins of chloroform, remaining in the original unbroken packages at Westbrook, Me., alleging that the article had been shipped on or about April 11, and May 9, 1922, by the Stollor Chemical Co., Inc., New York, N. Y., and transported from the State of New York into the State of Maine, and charging adulteration in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia [official] at the time of investigation, and for the further reason that the standard of strength, quality, or purity of said drug was not plainly stated upon the containers of the same.