

**10831. Misbranding of Rapier's Creamo dairy feed. U. S. v. William Frederick Rapier and James Rapier, Copartners, trading as Rapier Sugar Feed Co. Plea of guilty. Fine, \$75. (F. & D. No. 13174. I. S. Nos. 24628-r, 24638-r, 24642-r.)**

On January 19, 1921, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Frederick Rapier and James Rapier, copartners, trading as Rapier Sugar Feed Co., Owensboro, Ky., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about September 6, October 6, and October 14, 1919, from the State of Kentucky into the State of Indiana, of quantities of Rapier's Creamo dairy feed which in each instance was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of 13.25 per cent, 12.6 per cent, and 12.9 per cent of protein and 1.89 per cent, 2.66 per cent, and 2.29 per cent of ether extract, respectively.

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "Rapier Sugar Feed Company, of Owensboro, Ky., Guarantees this Rapier's Creamo Dairy Feed to contain not less than 3.5 per cent. of crude fat, 16.5 per cent. of crude protein," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances therein contained, was false and misleading in that said statement represented that the article contained not less than 3.5 per cent of crude fat and not less than 16.5 per cent of crude protein, 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 3.5 per cent of crude fat and not less than 16.5 per cent of crude protein, whereas, in truth and in fact, said article contained less than 3.5 per cent of crude fat and less than 16.5 per cent of crude protein, to wit, approximately, 1.89 per cent, 2.66 per cent, and 2.29 per cent, as the case might be, of crude fat, and 13.25 per cent, 12.6 per cent, and 12.9 per cent, as the case might be, of crude protein.

On November 19, 1921, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$75.

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

**10832. Misbranding of Chase's blood and nerve special. U. S. v. 9 Boxes of Chase's Blood and Nerve Special. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13315. I. S. No. 6283-t. S. No. E-2491.)**

On August 18, 1920, the United States attorney for the District of New Jersey, 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 boxes of a drug labeled in part, "Chase's Blood & Nerve Special," at Newark, N. J., alleging that the article had been shipped during the month of May, 1920, by the United Medicine Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained ferrous carbonate, aloin, capsicum, zinc phosphid, and nux vomica extractive.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects thereof, (wrapper) "Nerve Tablets \* \* \* Special for Weak, Run-Down People \* \* \* a restorative to the nerves, giving health, strength and vigor to the weak, nervous, emaciated, convalescent and overworked \* \* \* in Dizziness, Despondency, General Debility \* \* \* Weakness and a Lack of Strength," (label) "Nerve Tablets," (circular) "These Tonic Preparations are Especially Useful in Cases of Weakness and a Lack of Strength \* \* \* a restorative to the nerves, giving health, strength and vigor to the weak, nervous, emaciated, convalescent and overworked. These Tablets can be taken in Dizziness, Despondency, General Debility, Irritability, and in conditions where there is Weakness and a Lack of Strength \* \* \* they aid digestion and stop fermentation in the stomach \* \* \* The Tablets begin their work by correcting the stomach \* \* \* Women who find the tablets make them menstruate too freely should not take them during that period. As a female

regulator \* \* \* During pregnancy they should not be taken until after the fourth month, on account of their speedy action on the blood \* \* \* Men will find these Tablets a powerful restorative tonic \* \* \* Convalescents \* \* \* where the body has been left emaciated, the blood thin and watery, the nervous system shattered, and the digestive organs too weak to assimilate the food \* \* \* require \* \* \* Chase's Blood and Nerve Tablets," were false and fraudulent for the reason that the article did not contain any ingredient or combination of ingredients capable of producing the results claimed for it.

On July 11, 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.*

**10833. Adulteration and misbranding of prepared mustard. U. S. v. 6 Cases and 29 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14618. I. S. Nos. 3222-t, 3223-t. S. Nos. C-2859, C-2860.)

On March 14, 1921, the United States attorney for the Eastern District of Illinois, 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 cases and 29 cases of prepared mustard, remaining unsold in the original unbroken packages at Cairo, Ill., consigned in part by the Bayle Food Products Co., St. Louis, Mo., and in part by the Evans-Rich Mfg. Co., St. Louis, Mo., alleging that the article had been shipped on or about August 4 and 17, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The 6 cases of mustard were labeled in part: "10 Oz. Net Wgt. Fox Brand Old English Style Prepared Mustard." The 29 cases were labeled in part: "Fox Brand Superior Prepared Mustard 9 Oz."

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed therewith and substituted wholly or in part for the article, and for the further reason that said article was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "10 Oz. Net Wgt. \* \* \* Prepared Mustard Mustard Seed, Vinegar, Salt and Condiments. Colored and Flavored with Turmeric" and "Prepared Mustard 9 Oz.," were false and misleading and deceived and misled purchasers, for the further reason that said article was an imitation of and offered for sale under the distinctive name of another article, 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, since the statement made was not correct.

On June 30, 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.*

**10834. Misbranding of pears. U. S. v. Charles E. Lays, et al (Lays Bros.) Plea of guilty. Fine, \$25.** (F. & D. No. 15068. I. S. No. 5928-t.)

On September 13, 1921, the United States attorney for the Western 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 an information against Charles E. Lays and John C. Lays, trading as Lays Bros., Rochester, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about January 14, 1921, from the State of New York into the State of Pennsylvania, of a quantity of Kiefer pears, in barrels, 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 November 9, 1921, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

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