

1906, and that a portion of the said cans contained 8 ounces net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was lemon pie filling which contained the same ingredients used in making lemon pies, that it contained all the necessary ingredients, including egg, for making lemon pies, that it conformed to the requirements of the Food and Drugs Act of June 30, 1906, and that a portion of the said cans contained 8 ounces net of the said article, whereas, in truth and in fact, it was not lemon pie filling which contained the same ingredients as those used in making lemon pies and containing all the necessary ingredients, including egg, for making lemon pies, but was a mixture, artificially colored, largely composed of cornstarch, sugar, and citric acid, flavored with lemon oil, and which contained no egg, and which had no value as lemon pie filling for making lemon pies, it did not conform to the requirements of the said Food and Drugs Act, and a portion of the said cans did not contain 8 ounces net of the article, but did contain a less amount. Misbranding was alleged with respect to a portion of the said article 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.

On June 21, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$175.

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

**10907. Adulteration of shell eggs. U. S. v. Lem M. Hoskins. Plea of guilty. Fine, \$25.** (F. & D. No. 15569. I. S. No. 205-t.)

On January 21, 1922, 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 Lem M. Hoskins, Bardwell, Ky., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 24, 1921, from the State of Kentucky into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination of 1,080 eggs from the consignment, by the Bureau of Chemistry of this department, showed the presence of 64, or 5.9 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance

On April 17, 1922, 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*

**10908. Adulteration of shell eggs. U. S. v. Francis Marion Harper. Plea of guilty. Fine, \$25.** (F. & D. No. 15570. I. S. No. 206-t.)

On December 20, 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 Francis Marion Harper, Bardwell, Ky., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 25, 1921, from the State of Kentucky into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 180 eggs from each of 15 cases from the consignment showed that 189, or 7 per cent of the number examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy, blood rings, and eggs stuck to the shell.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 17, 1922, 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.*

**10909. Adulteration of cut stringless beans. U. S. v. 38 Cases of Cut Stringless Beans. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15931. S. No. E-3738.)

On January 23, 1922, the United States attorney for the Eastern 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 38 cases of cut stringless beans, remaining unsold in the

original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Webster-Butterfield Co., Inc., Baltimore, Md., on October 18, 1921, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

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

On February 17, 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.*

**10910. Misbranding of feed meal. U. S. v. Fred O. Shane (Circleville Milling Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 11634. I. S. No. 18331-r.)**

On January 14, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred O. Shane, trading as the Circleville Milling Co., Circleville, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 16, 1919, from the State of Ohio into the State of Maine, of a quantity of feed meal which was misbranded. The article was labeled in part: "100 Pounds Feed Meal Manufactured by Circleville Milling Co. Circleville, Ohio."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 7.63 per cent of protein, 2.20 per cent of fat, and 8.18 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "(Guaranteed) Protein, Minimum, 10. Per Cent Fat Minimum, 3.25 Per Cent Fiber, Maximum, 6. Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 10 per cent of protein, not less than 3.25 per cent of fat, and not more than 6 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein, not less than 3.25 per cent of fat, and not more than 6 per cent of fiber, whereas, in truth and in fact, it did contain less than 10 per cent of protein, less than 3.25 per cent of fat, and more than 6 per cent of fiber, to wit, 7.63 per cent of protein, 2.20 per cent of fat, and 8.18 per cent of fiber.

On June 8, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

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

**10911. Misbranding of Vitalo. U. S. v. 8 Dozen Bottles of Vitalo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13954. I. S. No. 1636-t. S. No. C-2582.)**

On December 9, 1920, the United States attorney for the Southern District of Mississippi, 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 8 dozen bottles of Vitalo, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., October 12, 1920, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) "Vitalo \* \* \* Nerve and Muscle Tonic"; (carton) "Remedy \* \* \* For General Weakness \* \* \* Nervous Debility \* \* \* for the Nerves, Brain and Muscles."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including damiana and nux vomica, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent in that it had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effects.