

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

On November 27, 1922, the Thos. E. O'Neill Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

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

**11130. Misbranding of Texas Wonder. U. S. v. 3 Dozen Bottles of Hall's Texas Wonder. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12917. I. S. No. 9172-r. S. No. C-1982.)

On June 18, 1920, the United States attorney for the Western District of Louisiana, 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 3 dozen bottles of Hall's Texas Wonder, remaining in the original unbroken packages at Victoria, La., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., June 8, 1920, and transported from the State of Missouri into the State of Louisiana, 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 essentially of copaiba, guaiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the cartons enclosing the bottles containing the article and the accompanying circular bore the following statements, (carton) "A Remedy for Kidney and Bladder Troubles. Weak and Lamé Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children," (circular) "In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved," which said statements regarding the curative and therapeutic effect of the article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 22, 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.*

**11131. Misbranding of grapes. U. S. v. Cephus L. Brainard, Frank Brainard, and Forest Brainard (C. L. Brainard Co.). Pleas of guilty. Fine, \$50.** (F. & D. No. 14566. I. S. Nos. 5693-t, 17332-t.)

On September 6, 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 Cephus L. Brainard, Frank Brainard, and Forest Brainard, a partnership, trading as C. L. Brainard Co., Portland, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 29, 1919, from the State of New York into the District of Columbia and on or about October 12, 1920, from the State of New York into the State of Pennsylvania, of quantities of grapes which were misbranded. The product involved in the consignment into the District of Columbia was labeled in part: "Choice New York State Table Grapes Net Contents 4 Qts. \* \* \* Star Brand." The remaining consignment was shipped in unlabeled baskets.

Examination, by the Bureau of Chemistry of this department, of 3 baskets from the consignment into the District of Columbia showed an average of 3.09 quarts.

Misbranding of the product involved in the consignment into the District of Columbia was alleged in the information for the reason that the statement, to wit, "Net Contents 4 Qts.," appearing on the label of the basket containing the said article, was false and misleading in that the said statement represented to the purchaser of the article that the said basket contained 4 quarts of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said basket contained

4 quarts net of the article, whereas, in truth and in fact, the said basket did not contain 4 quarts net of the article, but did contain a less amount. Misbranding was alleged with respect to the article involved in both consignments 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 or about November 22, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

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

**11132. Misbranding of Nonpareil food for hogs and Nonpareil food for stock. U. S. v. 53 Boxes of Nonpareil Food for Hogs, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15286, 15287, 15288, 15290, 15302, 15308, 15309, 15310. S. Nos. E-3509, E-3510, E-3511, E-3512, E-3528, E-3531, E-3533, E-3534.)

On August 1, 2, and 5, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 198 boxes and 12 cartons of Nonpareil food for hogs and 61 boxes of Nonpareil food for stock, remaining in the original unbroken packages in various lots at Thomasville, Zullinger, Windsor, Dallastown, York, Hanover, and Waynesboro, Pa., respectively, alleging that the articles had been shipped by E. T. Bready, Frederick, Md., between the dates of August 2, 1920, and June 17, 1921, and transported from the State of Maryland into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the food for hogs consisted essentially of wheat middlings, salt, charcoal, sulphur, red pepper, and a bitter drug such as gentian; and that the food for stock consisted essentially of ground wheat products, including a large amount of bran, approximately 12 per cent of salt, approximately 1 per cent of sulphur, charcoal, a bitter drug such as gentian, and an aromatic substance such as anise or fennel.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing on the boxes containing the food for hogs, "\* \* \* prepared from purely vegetable ingredients, which \* \* \* so thoroughly strengthen the entire system that the Hog Cholera microbe cannot find lodgment and will be thrown off without any harm to the animal. \* \* \* Hog Cholera, \* \* \* the proper way is to invigorate the system by purely vegetable remedies, so that the microbe cannot find a lodging place in the system from which to do its deadly work. \* \* \* 'Nonpareil Hog Food' will cure these milder forms, and, used as directed, will prevent Hog Cholera \* \* \* (One tablespoonful with slop for three hogs will prevent nearly all swine diseases.) \* \* \* A Specially Prepared Food which is a sure preventive of Cholera, \* \* \* it will prevent hog cholera if fed regularly," the following statements appearing on the boxes containing a portion of the food for stock, "It will prevent and cure disease in all domestic animals \* \* \* Cows fed on this Food will give \* \* \* Richer Milk \* \* \* Preventing Foot and Mouth Diseases, Cholera, etc. \* \* \* Calves \* \* \* keeps them free from scour \* \* \* Horses \* \* \* For Epizootic \* \* \* Kidney or Liver Trouble \* \* \* Influenza \* \* \* Cows \* \* \* Will increase the \* \* \* richness of milk \* \* \* Cattle \* \* \* Prevents disease \* \* \* Colts \* \* \* Prevents mange \* \* \* Calves \* \* \* Prevents skin disease, scour, etc. \* \* \* For Colic," and the following statements appearing in a circular accompanying the remainder of the said food for stock, "Horses \* \* \* For Epizootic \* \* \* Kidney or Liver Trouble \* \* \* Influenza \* \* \* Cows \* \* \* Will increase \* \* \* richness of milk \* \* \* Cattle \* \* \* Prevents disease \* \* \* Colts \* \* \* Prevents mange \* \* \* Calves \* \* \* Prevents skin disease, scours, etc. \* \* \* For Colic," regarding the curative and therapeutic effects of the respective articles, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the following statements appearing on the label of the said food for hogs, to wit, "This Food is prepared from Herbs, Seeds and Roots, \* \* \* It is prepared from purely vegetable ingredients \* \* \* All the ingredients composing this Food are \* \* \* Herbs, Seeds and