

in the said counts was a mixture composed in part of cottonseed hulls, prepared in imitation of and sold under the distinctive name of another article, to wit, cottonseed meal.

On October 11, 1923, the case came on for trial before the court and a jury. After the introduction of testimony and arguments by counsel the court submitted the case to the jury, which after due deliberation returned, on October 12, 1923, a verdict of guilty to counts 3, 4, 5, 6, and 9 of the information and of not guilty to the remaining counts. On October 23, 1923, the court imposed a fine of \$225 without costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11985. Adulteration and misbranding of butter. U. S. v. 19 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18162. I. S. No. 15285-v. S. No. E-4643.)

On December 15, 1923, 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 and condemnation of 19 cases of butter, at Boston, Mass., alleging that the article had been shipped by the Barnet Creamery Assoc., Barnet, Vt., on or about December 3, 1923, and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Case) "50 Cut 40# Net."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly and in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was labeled, "40# Net," which statement was false and misleading and deceived and misled the purchaser in that it represented to purchasers that there were contained in said cases 40 pounds of the article, whereas, in truth and in fact, there were not contained in said cases 40 pounds of the said article but a less quantity was contained therein. 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, since the quantity stated was not correct and since the prints contained within the said cases bore no statement whatever as to the quantity of their contents.

On December 20, 1923, C. R. Corwin Co., Boston Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11986. Adulteration and misbranding of sirup. U. S. v. 36 Cases and 57 Cans of Sirup. Decree of condemnation and forfeiture. Product ordered sold, with proviso that it might be released under bond upon claim of owner.** (F. & D. Nos. 17858, 17859, 17860. I. S. Nos. 11538-v, 11539-v, 11540-v. S. No. W-1425.)

On October 18, 1923, 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 praying the seizure and condemnation of 36 cases and 57 cans of sirup, remaining unsold in the original unbroken packages at Laramie, Wyo., consigned by the Maple Maid Sirup Co., Denver, Colo., alleging that the article had been shipped from Denver, Colo., on or about May 2, 1923, and transported from the State of Colorado into the State of Wyoming, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "From The Maple Maid Sirup Co., Denver, Colo.:" (can) "Maple Maid \* \* \* Sirup Made From Pure Refined And Maple Sugar Manufactured By The Maple Maid Sirup Co. Denver, Colo. Contents 1 Lb." (or "Contents 2½ Lbs." or "Contents 5 Lbs.") "Net Weight."

Adulteration of the article was alleged in the libel for the reason that glucose 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 maple sirup.

It was alleged in substance in the libel that the article was misbranded so as to deceive and mislead the purchaser in that it was labeled, "Maple Maid Syrup," whereas, in truth and in fact, it was not maple sirup but contained glucose. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On November 17, 1923, 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 by the United States marshal, with the proviso in the decrees that upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, the said product might be released to the owner or owners thereof, on condition that it be relabeled in compliance with the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11987. Adulteration of walnuts. U. S. v. 37 Bags of Walnuts in Shells. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18119. I. S. No. 15796-v. S. No. E-4619.)**

On November 28, 1923, 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 praying the seizure and condemnation of 37 bags of walnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Rosenberg Bros. & Co., from San Francisco, Calif., on or about October 30, 1922, and transported from the State of California 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 December 19, 1923, 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. F. MARVIN, *Acting Secretary of Agriculture.*

**11988. Misbranding of Tubbs white pine cough cure, Tubbs' Bilious Man's Friend, and Tubbs' condition powder. U. S. v. 36 Bottles, et al., of Tubbs' White Pine Cough Cure, 14 Bottles, et al., of Tubbs' Bilious Man's Friend, and 11 Packages, et al., of Tubbs' Condition Powder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16141 to 16149, incl., 16153, 16154, 16155, 16163, 16167 to 16172, incl., 16180, 16181, 16262 to 16267, incl., 16271, 16272, 16281 to 16291, incl. S. Nos. C-3540 to C-3551, incl., C-3554, C-3563, C-3565 to C-3569, incl., C-3585, C-3586, C-3590, C-3591, C-3592, C-3594 to C-3610, incl.)**

On April 28 and 29 and May 1, 2, 4, 5, 9, and 12, 1922, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 764 bottles of Tubbs white pine cough cure, 173 bottles of Tubbs' Bilious Man's Friend, and 67 packages of Tubbs' condition powder, remaining in the original unbroken packages in various lots at Brainerd, Cyphers, Hackensack, Anoka, Cloquet, Munger, Lengby, Mahtowa, St. Paul, Duluth, Princeton, Stillwater, Atkinson, Kettle River, Sturgeon Lake, Deer Wood, White Earth, Philbrook, New York Mills, Randall, Lawler, Iverson, McGregor, Automba, Duquette, Bruno, and Kerrick, Minn., respectively, alleging that the articles had been shipped by the Tubbs Medicine Co., from River Falls, Wis., between the dates of July 10, 1919, and April 8, 1922, and transported from the State of Wisconsin into the State of Minnesota, 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 Tubbs white pine cough cure contained chloroform, tar, extracts of plant drugs, including barks, sugar, alcohol, and water, that Tubbs' Bilious Man's Friend contained extracts of plant drugs, including laxative drugs, sugar, alcohol, water, and peppermint oil, and that Tubb's condition powder contained sulphur, sodium chloride, iron sulphate, sodium bicarbonate, potassium nitrate, charcoal, nux vomica, and oil cake.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing in the labeling of the respective articles, regarding the curative and therapeutic effects thereof, were