

12026. Misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18190. I. S. No. 15840-v. S. No. E-4662.)

On December 21, 1923, the United States attorney for the Eastern District of Pennsylvania, 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 250 sacks of cottonseed meal, at Oxford, Pa., consigned by the Eastern Cotton Oil Co., from Edenton, N. C., alleging that the article had been shipped on or about November 8, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in substance in the libel for the reason that the labeling bore the statements, "Perfection Cotton Seed Meal * * * Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," regarding the said article and the ingredients and substances contained therein, which were false and misleading in that the said article did not in fact contain 41 per cent of protein, the equivalent of 8 per cent of ammonia. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 11, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, 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 it be relabeled under the supervision of this department.

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

12027. Adulteration and misbranding of flour. U. S. v. 360 Bags of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18167. I. S. No. 8583-v. S. No. W-1455.)

On December 15, 1923, the United States attorney for the Northern District of California, 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 360 bags of flour, at San Francisco, Calif., alleging that the article had been shipped by the Prairie Flour Mills, from Portland, Oreg., May 23, 1923, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Everybody's Flour Strength, Dependability, Uniformity, Quality High Patent Prairie Flour Mills, Distributors Lewiston, Idaho Bleached 98 Lbs."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Lbs.," was false and misleading and deceived and misled the purchaser. 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.

On January 7 1924, the Haslett Warehouse Co., claimant, having 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 \$720, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the said act under the supervision of this department.

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

12028. Adulteration and misbranding of water. U. S. v. Crazy Well Water Co., a Corporation. Plea of guilty to counts 1 and 16. Counts 2 to 15, inclusive, and count 17 dismissed. Fine, \$100. (F. & D. No. 12294. I. S. Nos. 5600-r, 5907-r, 5908-r, 7454-r, 7527-r, 7528-r, 7529-r, 7530-r, 7531-r, 7532-r, 7543-r, 7544-r, 7651-r, 7654-r, 7655-r.)

On August 12, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district an information in 17 counts against the Crazy Well Water Co., a corporation, Mineral Wells, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments between the dates of June 7, 1918, and June 4, 1919, from the State of Texas into the States of Oklahoma, Missouri, and Louisiana, respectively, of quantities of mineral water which was adulterated and misbranded. A portion of the article was labeled in part: "Crazy * * * The Crazy Well Water Company. Mineral Wells, Texas." The remainder of the said article was labeled in part: "Natural Gibson Well Water * * * The Crazy Well Water Company. Mineral Wells, Texas."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it was polluted and that the dissolved mineral matter consisted chiefly of the chlorides, sulphates, and bicarbonates of sodium, magnesium, and calcium.

Adulteration of the article was alleged in counts 1 to 15, inclusive, of the information for the reason that it consisted in whole or in part of a filthy and decomposed animal or vegetable substance.

Misbranding was alleged in count 16 of the information, with respect to the product consigned December 12, 1918, into Louisiana, for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the labels of the bottles containing the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, functional stomach diseases, liver diseases (not organic), cystitis, diabetes, and Bright's disease, when, in truth and in fact, it was not.

Misbranding was alleged in count 17 of the information, with respect to the product consigned December 12, 1918, into Louisiana, 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.

On December 10, 1923, a plea of guilty to counts 1 and 16 of the information was entered on behalf of the defendant company, and the court imposed a fine of \$100. Counts 2 to 15, inclusive, and count 17 of the information were dismissed.

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

12029. Adulteration and misbranding of flour. U. S. v. 20 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18114. I. S. No. 8449-v. S. No. W-1450.)

On November 24, 1923, the United States attorney for the Northern District of California, 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 20 sacks of flour, at San Francisco, Calif., alleging that the article had been shipped by the Columbia River Milling Co., from Wilbur, Wash., October 22, 1923, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sack) "Columbia River Milling Co. Corimico Montana Hard Wheat Patent Wilbur, Washn. Bleached Net Weight 98 Pounds When Packed."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Pounds," was false and misleading and deceived and misled the purchaser. 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.

On January 2, 1924, the Sharp Flour Co., San Francisco, Calif., having appeared as claimant for the property and having 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 \$100, in conformity with section 10 of the act.

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