

12032. Misbranding of chocolate peanut butter bars. U. S. v. Baltimore Candy Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17701. I. S. No. 2731-v.)

On October 3, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Baltimore Candy Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 25, 1923, from the State of Maryland into the State of Pennsylvania, of a quantity of chocolate peanut butter bars which were misbranded. The article was labeled in part: "Superior Meltaway Chocolate Peanut Butter Net weight 2 oz. Manufactured By Baltimore Candy Co. Baltimore, Md."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the average net weight of 36 bars was 1.90 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net weight 2 oz.," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of said packages contained 2 ounces net weight 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 each of said packages contained 2 ounces net weight of the article, whereas, in truth and in fact, each of said packages did not contain 2 ounces net weight of the said article but did contain a less amount. 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 October 5, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

12033. Misbranding of tea. U. S. v. Thomas J. Lipton, Inc., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 17788. I. S. Nos. 8463-v, 8464-v.)

At the November, 1923, term of the United States District Court within and for the Northern District of California, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Thomas J. Lipton, Inc., a corporation, trading at San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about January 10 and 12, 1923, respectively, from the State of California into the State of Nevada, of quantities of tea which was misbranded. The article was labeled in part: "Lipton * * * Lipton's Chief Offices and Warehouses for the United States, Hoboken, New Jersey. Chicago * * * San Francisco * * * New Orleans * * * Lipton's Choicest Blend Of 10¢ Tea."

Misbranding of the article was alleged in the 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 December 7, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

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

12034. Adulteration and misbranding of canned oysters. U. S. v. 10 Cases, et al., of Canned Oysters. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 655-c, 658-c. S. Nos. E-4114, E-4142.)

On or about July 28 and August 1, 1922, respectively, the United States attorney for the Southern District of Florida, acting upon reports by officers of the Department of Agriculture of the State of Florida, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 60 cases of canned oysters, in part at Ybor City and in part at Tampa, Fla., alleging that the article had been shipped by the Hilton Head Packing Co., from Savannah, Ga., May 30 and June 23, 1922, respectively, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. Office: Savannah, Ga."

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing in the labeling, to wit, "Contains 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser.

On November 13, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

12035. Misbranding of Foley kidney pills. U. S. v. 9 Large Bottles and 11½ Dozen Small Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18056. I. S. Nos. 7248-v, 7249-v. S. No. C-4184.)

On November 14, 1923, the United States attorney for the Eastern 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 praying the seizure and condemnation of 9 large bottles and 11½ dozen small bottles of Foley kidney pills, at New Orleans, La., alleging that the article had been shipped by Foley & Co., Chicago, Ill., on or about October 6, 1923, and transported from the State of Illinois 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 the pills contained potassium nitrate, methylene blue, hexamethylene tetramine, and plant material, including resin and juniper oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effect of the said article, (bottle, carton, and circular) "Kidney Pills For Irritation [circular and carton, large size, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "kidneys * * * weakened by disease * * * inflamed and congested * * *". In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * *. 2nd—The bowels must be kept active. * * *. 3rd—The diet is of great importance. * * * Satisfaction Guaranteed [the words, 'Satisfaction Guaranteed' were omitted from circular in small size]," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 26, 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.*

12036. Adulteration and misbranding of cottonseed meal. U. S. v. 54 Sacks of Alleged Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17873. I. S. No. 9003-v. S. No. E-4513.)

On October 26, 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 praying the seizure and condemnation of 54 sacks of alleged cottonseed meal, at Taunton, Mass., alleging that the article had been shipped by the Lancaster Cotton Oil Co., Lancaster, S. C., on or about July 20, 1923, and transported from the State of South Carolina into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Prime Cotton Seed Meal Guaranteed Analysis Not Less Than Protein, not less than (Equivalent to 8% ammonia) 41.00% * * * Nitrogen, not less than 6.58% * * * Made from Cotton Seed."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (ammonia-nitrogen) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole and in part for cottonseed meal, which the said article purported to be.

Misbranding was alleged in substance for the reason that the article was labeled, "Prime Cotton Seed Meal Guaranteed Analysis Not Less Than — Protein, not less than (Equivalent to 8% ammonia) 41.00% * * * Nitrogen,