

ported from the State of Michigan into the State of New Jersey, 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 Noxit consisted essentially of zinc acetate, opium, berberine, alcohol, glycerin, and water, and that the B-I-F injection consisted essentially of zinc acetate, boric acid, opium, berberine, alcohol, glycerin, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that certain statements appearing in the circular accompanying the articles falsely and fraudulently represented them to be effective in the treatment and cure of gonorrhoea, clap, and gleet, whereas, in truth and in fact, the said articles would not produce the curative and therapeutic effects claimed.

On March 28, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12175. Misbranding of linseed oil meal. U. S. v. 160 Sacks of Linseed Oil Meal. Decree entered providing for release of product under bond to be relabeled. (F. & D. No. 18455. I. S. No. 10598-v. S. No. E-4773.)

On March 10, 1924, 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 a libel praying the seizure and condemnation of 160 sacks of linseed oil meal, consigned December 13, 1923, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Mann Bros. Co. from Buffalo, N. Y., and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds Pure Old Process Linseed Oil Meal From The Mann Bros. Co. Buffalo, N. Y. Guaranteed Analysis Minimum Protein 35 Minimum Fat 6 Maximum Fiber 10 Minimum Carbohydrates 35."

Misbranding of the article was alleged in the libel for the reason that the statement, "Guaranteed Analysis Minimum Protein 35," was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 35 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On March 26, 1924, Walter F. MacNeal & Co., Baltimore, Md., having appeared as claimant for the property, judgment of the court was entered providing 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 to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12176. Misbranding of macaroni and spaghetti. U. S. v. Jake Cusimano (J. Cusimano & Co.). Plea of guilty. Fine, \$25. (F. & D. No. 17803. I. S. Nos. 6124-v, 6125-v, 9371-t.)

On January 17, 1924, 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 an information against Jake Cusimano, trading as J. Cusimano & Co., New Orleans, La., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 23, 1922, from the State of Louisiana into the State of Florida, of a quantity of spaghetti, and on or about January 5, 1923, from the State of Louisiana into the State of Alabama, of quantities of spaghetti and macaroni, all of which were misbranded. The macaroni was labeled in part: "Patriot Brand Elbows Macaroni Manufactured By J. Cusimano New Orleans, La. Net Weight 5 Oz.;" (stamped) "4 Oz." The spaghetti was labeled in part: "Patriot Brand Spaghetti Manufactured By J. Cusimano New Orleans, La." The consignment of spaghetti into Alabama was further labeled: "Net Weight 5 Oz.;" (stamped) "4 Oz."

Examination by the Bureau of Chemistry of this department of samples of the articles showed that the average net weight of 8 cartons of the macaroni was 3.69 ounces and that the average net weight of 8 cartons of the spaghetti consigned into Alabama was 3.76 ounces.

Misbranding of the macaroni and of the spaghetti consigned into Alabama was alleged in the information for the reason that the statements, to wit,