

each of said sacks did not contain 150 pounds of the article but did contain a less amount. Misbranding was alleged with respect to both consignments of the product 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 19, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$30.

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

12182. Misbranding of Prof. Dupree's French specific pills. U. S. v. 5 $\frac{1}{2}$ Dozen Packages of Prof. Dupree's French Specific Pills. Default decree entered providing for destruction of product. (F. & D. No. 15212. I. S. No. 10978-t. S. No. W-995.)

On July 20, 1921, the United States attorney for the District of Utah, 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 5 $\frac{1}{2}$ dozen packages of Prof. Dupree's French specific pills, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Cosmopolitan Drug Co., from New York, N. Y., in two consignments, namely, on or about May 12 and June 16, 1921, respectively, and transported from the State of New York into the State of Utah, 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 aloes, iron sulphate, a trace of tansy oil, and plant drugs, coated with a mixture of sugar, starch, calcium carbonate, and talc, colored, some blue, others pink.

Misbranding of the article was alleged in substance in the libels for the reason that the packages bore labels and contained circulars in which appeared statements regarding the curative and therapeutic effects of the said article in relation to their "use in the suppression of irregularities of the menses * * * efficient in their results * * * take one pill every two hours, alternating first the blue and then the pink, until the desired effect is produced * * * girls approaching the age of puberty, who have not overcome the functional derangements induced by that * * * change * * * can be given these pills with great benefit," which said statements were false and fraudulent, since the said article did not contain ingredients or a combination of ingredients capable of producing the effects claimed.

On January 3, 1924, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

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

12183. Adulteration and misbranding of oysters. U. S. v. National Packing Co., a Corporation. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 17421. I. S. Nos. 4445-v, 4446-v.)

On August 18, 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 National Packing Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 29, 1923, from the State of Maryland into the State of Ohio, of a quantity of oysters which were adulterated and misbranded. The article was labeled in part: "Banner Brand Quality Oysters Packed Only By National Pkg. Co. Baltimore, Md."

Examination of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality, for the further reason that a substance, to wit, added water, had been substituted in part for oysters, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Oysters," borne on the cans containing the article, was false and misleading, in that it represented that the said article consisted wholly of oysters, and for the further reason that the article was labeled as aforesaid so as to

deceive and mislead the purchaser into the belief that it consisted wholly of oysters, whereas, in truth and in fact, it did not so consist but did consist in part of added water.

On February 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$15 and costs.

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

12184. Misbranding of salad oil. U. S. v. 35 Cases of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18388. I. S. No. 15981-v. S. No. E-4735.)

On February 15, 1924, 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 35 cases of salad oil, at New York, N. Y., alleging that the article had been shipped by the Portsmouth Cotton Oil Refining Corp., from Portsmouth, Va., January 21, 1924, and transported from the State of Virginia into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Waverly Salad Oil * * * Net Weight 7½ Lbs.;" (impressed on can) "1 Gal.;" (shipping case) "10 - 1 Gal. Cans."

Misbranding of the article was alleged in the libel for the reason that the statements, "1 Gal." and "10 - 1 Gal. Cans," were 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 March 7, 1924, Seeman Bros., Inc., New York, N. Y., 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 product be emptied into barrels and the erroneously labeled cans destroyed, under the supervision of this department.

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

12185. Adulteration and misbranding of vinegar. U. S. v. George K. Peters and Charles M. Butterfield (Fruit Products Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 17243. I. S. Nos. 8178-t, 9337-t, 9338-t, 9341-t.)

On June 29, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George K. Peters and Charles M. Butterfield, copartners, trading as the Fruit Products Co., Savannah, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about March 16, 1922, from the State of Georgia into the State of Florida, and on or about April 5 and 19, 1922, respectively, from the State of Georgia into the State of South Carolina, of quantities of vinegar, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled variously: (Barrels) "Fruit Products Co. Apple Cider Vinegar;" "Fruit Products Co. Red Distilled Vinegar;" "Fruit Products Co. White Distilled Vinegar;" (bottles) "Palmetto Distilled Red Vinegar * * * Pure Food Products Fruit Products Company Savannah, Georgia. Contents 32 Ozs."

Analyses of samples of the barreled product by the Bureau of Chemistry of this department showed that a portion of the article had been excessively diluted with water and that the remainder was a mixture of apple vinegar, distilled vinegar, and added water, containing not more than 15 per cent of apple vinegar. Examination of the bottled product by said bureau showed that the average measure of three bottles was 31.3 fluid ounces of the article.

Adulteration of the barreled product was alleged in the information for the reason that substances, to wit, distilled vinegar and water or excessive water, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for apple cider vinegar or distilled vinegar, as the case might be, which the article purported to be.

Misbranding of the barreled product was alleged for the reason that the statement, to wit, "Apple Cider Vinegar," borne on the barrels containing the