

Misbranding of the article was alleged in the libel for the reason that the statement appearing in the labeling, "U. S. Grade No. 1," was false and misleading and deceived and misled the purchaser.

On May 31, 1924, N. J. Ward, Washington, D. C., 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 \$700, in conformity with section 10 of the act.

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

12334. Misbranding of cottonseed meal. U. S. v. Peoples Oil and Fertilizer Co., a Corporation. Plea of nolo contendere. Fine, \$35.
(F. & D. No. 17707. I. S. No. 3394-v.)

On October 17, 1923, the United States attorney for the Western District of South Carolina, 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 Peoples Oil and Fertilizer Co., a corporation, Anderson, S. C., alleging shipment by said company, in violation of the food and drugs act, on or about January 10, 1923, from the State of South Carolina into the State of North Carolina, of a quantity of cottonseed meal which was misbranded. The article was labeled, in part: (Tag) "Good Quality Cotton Seed Meal Manufactured By Peoples Oil and Fertilizer Company Anderson, S. C. Guaranteed Analysis Protein 36% * * * Fiber 14%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.75 per cent of protein and 14.62 per cent of crude fiber.

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Guaranteed Analysis Protein 36% Fiber 14%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein and not more than 14 per cent of fiber, whereas, in truth and in fact, it did contain less than 36 per cent of protein and more than 14 per cent of fiber.

On November 28, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$35.

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

12335. Misbranding of coffee. U. S. v. 159 Cans of Coffee. Consent decree of condemnation and forfeiture. Product released under bond
(F. & D. Nos. 18456, 18457, 18480. I. S. Nos. 20618-v, 20619-v, 20620-v. S. Nos. W-1487, W-1488, W-1489.)

On March 15, 1924, 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 159 cans of coffee remaining unsold in the original packages at Cheyenne, Wyo., alleging that the article had been shipped by the Independence Coffee and Spice Co., Denver, Colo., in various consignments, namely, on or about August 23, October 1, November 28, and December 31, 1923, respectively, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Breakfast Call Coffee * * * One Pound" (or "Two Pounds" or "Three Pounds") "Steel Cut * * * The Independence Coffee And Spice Co. Denver, Colo."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the respective-sized cans containing the said article, namely, "One Pound," "Two Pounds," and "Three Pounds," were false and misleading, and for the further reason that the article was so marked as to deceive and mislead the purchaser in that the said cans purported to contain 1 pound, 2 pounds, and 3 pounds, respectively, whereas, in truth and in fact, the said cans contained less amounts. 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 packages in terms of weight or measure.

On March 29, 1924, The Independence Coffee and Spice Co., Denver, Colo., 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 \$500, in conformity with section 10 of the act.

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

12336. Adulteration of Brazil nuts. U. S. v. 4½ Bags of Brazil Nuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18266. I. S. No. 5617-v. S. No. C-4248.)

On January 10, 1924, the United States attorney for the District of Minnesota, 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 4½ bags of Brazil nuts remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the J. B. Inderrieden Co. from Buffalo, N. Y., June 27, 1923, and transported from the State of New York into the State of Minnesota, 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 filthy and decomposed nuts.

On March 26, 1924, 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.

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

12337. Misbranding of Foley kidney pills. U. S. v. 8½ Dozen Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18052. I. S. No. 19917-v. S. No. C-4168.)

On November 15, 1923, the United States attorney for the District of Minnesota, 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 8½ dozen bottles of Foley kidney pills at Minneapolis, Minn., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., on or about September 13, 1923, and transported from the State of Illinois into the State of Minnesota, 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 the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, (bottle label, carton, and circular) "Kidney Pills For Irritation" (circular, "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," were false and fraudulent since the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On March 27, 1924, 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.

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

12338. Adulteration and misbranding of tankage. U. S. v. 167 Sacks of Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18448. I. S. No. 17711-v. S. No. C-4309.)

On March 6, 1924, the United States attorney for the Northern District of Iowa, 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 167 sacks of tankage at Dubuque, Iowa, alleging that the