

and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 10 per cent of protein, 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 10 per cent of protein, whereas, in truth and in fact, it did contain less than 10 per cent of protein, to wit, 8.6 per cent of protein.

On November 26, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12469. Adulteration of shell eggs. U. S. v. Wyatt Ervin Akers and Cary P. Painter (W. E. Akers & Co.). Plea of guilty. Fine, \$25. (F. & D. No. 17075. I. S. No. 1108-v.)

On February 23, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wyatt Ervin Akers and Cary P. Painter, copartners, trading as W. E. Akers & Co., Honaker, Va., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 27, 1922, from the State of Virginia into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 900 eggs from the consignment showed that 101 eggs, or 11.2 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On October 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12470. Adulteration of shell eggs. U. S. v. John D. Borden. Plea of guilty. Fine, \$25. (F. & D. No. 17807. I. S. No. 698-v.)

On January 16, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John D. Borden, Toms Brook, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 23, 1923, from the State of Virginia into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the 360 eggs in the consignment showed that 23 eggs, or 6.3 per cent of the total, were inedible, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On April 29, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12471. Misbranding of butter. U. S. v. Waynesboro Co-Operative Creamery (Inc.), a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17818. I. S. Nos. 361-v, 536-v.)

On January 16, 1924, the United States attorney for the Western District of Virginia, 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 Waynesboro Co-Operative Creamery (Inc.), a corporation, Waynesboro, Va., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about May 9 and July 23, 1923, respectively, from the State of Virginia into the State of New Jersey, of quantities of butter which was misbranded. The portion of the product consigned July 23, 1923, was labeled in part: "W. C. C. Butter * * * Waynesboro Co-Op. Creamery Waynesboro, Virginia * * * One Pound Net." The remaining consignment bore no labels or statements relative to weight.

Examination by the Bureau of Chemistry of this department of the product consigned July 23, 1923, showed that the average weight of 50 packages was 15.83 ounces.

Misbranding of the product consigned July 23, 1923, was alleged for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that it represented that each of said packages contained 1 pound net of the said 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 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the said article but did contain a less amount. Misbranding was alleged with respect to the product involved in both consignments 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 packages.

On April 29, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12472. Adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18825. I. S. No. 17954-v. S. No. C-4424.)

On June 23, 1924, the United States attorney for the Northern District of Illinois, 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 tubs of butter, alleging that the article had been shipped by the Thorpe Dairy Co., from Thorpe, Wis., June 12, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of said article, to wit, butterfat, had been in part abstracted therefrom.

On June 30, 1924, the H. C. Christians Co., Chicago, Ill., 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 reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12473. Misbranding of Plough's Prescription C-2223. U. S. v. 52 Bottles, et al., of Plough's Prescription C-2223. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17342, 17343, 17544. I. S. Nos. 4492-v, 4493-v, 4494-v, 4495-v, 4496-v. S. Nos. C-3921, C-3922, C-3923.)

On March 21, 1923, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 125 small bottles and 96 large bottles of Plough's Prescription remaining in the original unbroken packages at Louisville, Ky., consigned by the Plough Chemical Co., Memphis, Tenn., in various shipments, between the dates of September 11 and December 16, 1922, alleging that the article had been shipped from Memphis, Tenn., and transported from the State of Tennessee into the State of Kentucky, 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 it consisted essentially of potassium iodide, colchicum extract, a trace of salicylic acid, alcohol, and water, flavored with anise.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effects of the said article, (bottles, both sizes) "A Blood Purifier Recommended For Treatment Of Rheumatism * * * In severe cases, take * * * until