

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.

On August 15, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80.

HOWARD M. GORE, *Secretary of Agriculture.*

12542. Adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18850. I. S. No. 13185-v. S. No. E-4880.)

On July 14, 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 20 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Wesley Farmers Creamery Co. from Wesley, Iowa, June 28, 1924, and transported from the State of Iowa into the State of New York, 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 deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On August 8, 1924, the Farmers' Co-operative Creamery Co., 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 \$500, in conformity with section 10 of the act, conditioned in part that the product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12543. Misbranding of oysters. U. S. v. John C. Walker, Wade H. Walker, and William E. Walker (J. C. Walker & Bros.). Pleas of guilty. Fine, \$75. (F. & D. No. 17517. I. S. Nos. 5453-v, 5454-v, 5455-v.)

At the November, 1923, term of the United States District Court within and for the Eastern District of Virginia, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against John C. Walker, Wade H. Walker, and William E. Walker, copartners, trading as J. C. Walker & Bros., Exmore, Va., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, namely, on or about December 9, December 15, and December 18, 1922, respectively, from the State of Virginia into the State of Minnesota, of quantities of oysters which were misbranded. The article was labeled in part: (Can) "Virginia Seaside Oysters Minimum Volume 1 Gallon."

Examination of the article by the Bureau of Chemistry of this department showed that the said cans measured contained from 0.93 to 0.97 gallon of oysters.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum Volume 1 Gallon," borne on the cans containing the said article, was false and misleading in that the said statement represented that each of the cans contained not less than 1 gallon of oysters 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 the said cans contained 1 gallon of oysters, whereas, in truth and in fact, each of the cans contained less than 1 gallon of oysters. 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 November 13, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

HOWARD M. GORE, *Secretary of Agriculture.*

12544. Misbranding of Nunn's Black Oil Healing Compound. U. S. v. 12 Packages, et al., Nunn's Black Oil Healing Compound. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16099, 16106. I. S. No. 14431-t. S. Nos. W-1063, W-1071.)

On April 13 and April 17, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of

Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 38 small packages and 94 large packages of Nunn's Black Oil Healing Compound remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Dr. Nunn's Black Oil Co. from Salt Lake City, Utah, in various consignments, namely, in part during the year 1918 and in part on the respective dates of September 22 and October 26, 1921, and transported from the State of Utah into the State of California, 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 of a mixture of a sulphureted vegetable oil and kerosene.

Misbranding of the article was alleged in the libels for the reason that the following statements, appearing in the labeling, (label, small and large sizes) "A Safe, Speedy, Reliable Relief for * * * Fistulas, Withers, Poll Evil, * * * Scalded Heads on Children, Skin Eruptions, also Colic * * * Coughs and Distemper in Horses and Cattle, Roup in Chickens, etc.," (label, large size, additional) "Coughs * * * and Colic, one ounce every three hours is the usual effective dose * * * Colic * * * Ninety per cent of cases are cured in twenty minutes; then quit," (circular, both sizes) Teamster's Safeguard * * * Horse Coughing * * * Horse got Distemper, Pink Eye, etc. * * * Horse got Colic, * * * Chicken got Roup * * * Stallions, give on tongue * * * during season * * * Get well acquainted with the workings of this medicine * * * and remember anything on man or beast that has a sore of any description. The Black Oil Is Your Doctor try it and be convinced * * * Don't Let Your Chickens Die With Avian Diphtheria Known as Chicken Roup * * * While Avian Diphtheria is entirely different from the human form, cases are recorded where children have contracted serious and even fatal sore throat from this source. * * * Don't waste any time. Catch the fowl and give half teaspoonful to each chicken diseased in mouth, and smear the whole head, once a day, for three days with Dr. Nunn's Black Oil Healing Compound," were false and fraudulent in that the said article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On August 12, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12545. Misbranding and alleged adulteration of red kidney beans. U. S. v. 20 Cases, More or Less, of Kidney Beans et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12153, 12154, 12155, 12156, 12157. I. S. Nos. 8313-r, 8316-r, 8317-r, 8318-r, 8574-r. S. Nos. C-1720, C-1721, C-1722, C-1727, C-1733.)

On February 16, 1920, 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 libels praying the seizure and condemnation of 196 cases of kidney beans, in part at Chicago, Ill., and in part at LaSalle, Ill., alleging that the article had been shipped by George Van Camp & Sons Co. from Westfield, Ind., between the dates of September 17 and December 24, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for red kidney beans.

Misbranding was alleged in substance for the reason that the statements, to wit, "Geo. Van Camp's Red Kidney Beans Contents 1 Lb. 4 Oz. Packed by Geo. Van Camp & Sons Co., Westfield, Ind.," appearing on the cases and cans containing the article, were false and misled and deceived the purchaser in that they represented that the said article was red kidney beans, whereas, in truth and in fact, the said cases and cans contained long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of and sold under the distinctive name of another food product, to wit, red kidney beans.