

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13451-13500

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 1, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13451. Adulteration and misbranding of assorted preserves. U. S. v. 54 Cases of Assorted Preserves. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19371. I. S. Nos. 6863-v, 6866-v, 6867-v, 6869-v, 6870-v. S. No. C-4560.)

On or about December 13, 1924, the United States attorney for the Western District of Texas, 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 54 cases of assorted preserves, at El Paso, Tex., alleging that the articles had been shipped by the Goodwin Preserving Co., from Louisville, Ky., in part November 17, 1923, and in part July 14, 1924, and transported from the State of Kentucky into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "O. B. Brand Blackberry" (or "Quince" or "Peach" or "Strawberry") "Preserves with Apple Pectin * * * Goodwin Preserving Co. Incorporated Louisville, Ky. U. S. A.," the statement "With Apple Pectin" being in relatively small inconspicuous type as compared with the word "Preserves." A portion of the product was contained in cases labeled in part: "2 Doz. 16 Oz. Panel Jars" and bore the statement "Contents 1 Pound" on the jar labels.

Adulteration of the articles was alleged in substance in the libel for the reason that acidified compound preserves of blackberry, quince, peach, or strawberry flavor, as the case might be, containing tartaric acid and pectin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength, and had been substituted wholly or in part for pure fruit preserves indicated on the labels.

Misbranding was alleged in substance for the reason that the statements on the cases and jars containing the articles were false and misleading and deceived and misled the purchaser, since the said preserves were not blackberry, quince, peach, and strawberry preserves, as the case might be, and were not pure fruit preserves of the flavors named but were imitation fruit preserves containing acidified compounds with tartaric acid and blackberry, quince, peach, and strawberry flavors, as the case might be. Misbranding was alleged for the further reason that the labeling was false and misleading, in that tartaric acid compound was not declared, and for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to a portion of the product for the further reason that the statement "Contents 1 Pound," borne on the jars, was false and misleading and deceived and misled the purchaser, since the contents of the said jars was less than 1 pound.

On April 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13452. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19560. I. S. No. 23826-v. S. No. C-4635.)

On or about February 5, 1925, the United States attorney for the Western District of Texas, 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 462 boxes of oranges, at El Paso, Tex., consigned by the Border Produce Co., Colton, Calif., alleging that the article had been shipped from Colton, Calif., on or about January 23, 1925, and transported from the State of California into the State of Texas, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that an inedible product had been substituted wholly or in part for the said article.

On April 7, 1925, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13453. Misbranding of horse and mule feed. U. S. v. Mississippi Elevator Co. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 17785. I. S. No. 10285-v.)

On October 31, 1923, the United States attorney for the Western District of Tennessee, 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 Mississippi Elevator Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about March 7, 1923, from the State of Tennessee into the State of Georgia, of a quantity of horse and mule feed which was misbranded. The article was labeled in part: (Tag) "Horse & Mule Feed (Sweet) Manufactured By Mississippi Elevator Company Memphis, Tenn. Guaranteed Analysis Protein Minimum 9.00% Fat Minimum 2.00% * * * Fibre Maximum 15.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.24 per cent of protein, 1.39 per cent of fat, and 17.67 per cent of fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein Minimum 9.00% Fat Minimum 2.00% * * * Fibre Maximum 15.00%," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 9 per cent of protein, not less than 2 per cent of fat, and not more than 15 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 9 per cent of protein, not less than 2 per cent of fat, and not more than 15 per cent of fiber, whereas it contained less protein, less fat, and more fiber than declared.

On November 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13454. Misbranding of Hill's kaskara tablets. U. S. v. W. H. Hill Co. Plea of guilty. Fine, \$50. (F. & D. No. 9910. I. S. No. 9801-p.)

On September 18, 1919, the United States attorney for the Eastern District of Michigan, 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 W. H. Hill Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 23, 1918, from the State of Michigan into the State of Illinois, of a quantity of Hill's kaskara tablets which were misbranded. The article was labeled in part: "Mf'd Only By W. H. Hill Co., Detroit, Mich."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an iron, chalk, and sugar-coated tablet containing emodin, aromatics, juniper resins, and caffeine.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, borne on the package containing the said article and in the accompanying circular, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for backache, renal calculi, diabetes, Bright's disease, urinary and bladder troubles, liver and kidney troubles, kidney diseases and consumption of the kidneys, and effective for