

Misbranding was alleged for the reason that the designation "Cottage Cheese," borne on the labeling, was false and misleading and deceived and misled the purchaser.

On April 20, 1925, no claimant having appeared for the property, upon affidavit made by the United States attorney that the product was wholly decayed and unfit for food, it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13633. Adulteration of canned cherries. U. S. v. 127 Cases of Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19910. I. S. No. 19387-v. S. No. C-5008.)**

On March 20, 1925, 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 127 cases of cherries, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Lyndonville Canning Co., from Lyndonville, N. Y., September 24, 1924, and transported from the State of New York into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Lyndonville Brand Red Sour Pitted Cherries \* \* \* Lyndonville Canning Company Inc. Lyndonville, N. Y."

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

On June 17, 1925, the Lyndonville Canning Co., Lyndonville, N. Y., having appeared as claimant for the property, 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 it not be sold or disposed of until repacked and recanned.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13634. Adulteration and misbranding of acetyl salicylic acid tablets, nitroglycerin tablets, and diacetyl morphine hydrochloride tablets. U. S. v. Glens Falls Pharmacal Co., Inc. Plea of guilty. Fine, \$100. (F. & D. No. 18989. I. S. Nos. 1786-v, 1789-v, 1790-v, 12505-v, 12508-v.)**

On October 6, 1924, the United States attorney for the Northern 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 an information against the Glens Falls Pharmacal Co., Inc., a corporation, Glens Falls, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about October 15, 1923, from the State of New York into the State of Maryland, of quantities of acetyl salicylic acid tablets and nitroglycerin tablets, respectively, and on or about October 29, 1923, from the State of New York into the State of Massachusetts, of quantities of acetyl salicylic acid tablets, nitroglycerin tablets, and diacetyl morphine hydrochloride tablets, respectively, all of which were adulterated and misbranded. The articles were labeled in part, variously: "1000 Compressed Tablets Acetyl Salicylic Acid \* \* \* 5 gr. Manufactured by Glen Pharmacal Co. Inc. Glens Falls, N. Y."; "1000 Tablet Triturates Nitro-Glycerine \* \* \* 1/100 Gr. Manufactured by Glen Pharmacal Co."; and "1000 Tablets Triturate Diacetyl Morphine Hydrochloride 1/24 gr. \* \* \* Manufactured by Glens Falls Pharmaceutical Co. Inc."

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the said tablets were sold as containing 5 grains of acetyl salicylic acid, 1/100 of a grain of nitroglycerin, or 1/24 of a grain of diacetyl morphine hydrochloride, as the case might be, whereas the said tablets did not contain the said amounts but did contain less amounts, the two lots of acetyl salicylic acid tablets averaging not more than 4.22 grains and 4.53 grains, respectively, of the said product to each tablet, the 2 lots of nitroglycerin tablets averaging not more than 0.0074 grain and 0.0075 grain of nitroglycerin to each tablet, and the diacetyl morphine hydrochloride tablets averaging not more than 0.029 grain of the said product to each tablet.

Misbranding was alleged for the reason that the statements "Acetyl Salicylic Acid \* \* \* 5 gr.," "Nitro-Glycerine \* \* \* 1/100 Gr.," and "Diacetyl Morphine Hydrochloride 1/24 gr.," borne on the labels of the respective products, were false and misleading, in that the said statements represented that the tablets contained the amounts of the respective products declared on the labels, whereas they did not but did contain less amounts.

On January 5, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13635. Adulteration of canned sardines. U. S. v. 700 Cases of Sardines. Consent decree of destruction entered. (F. & D. No. 19128. I. S. No. 18624-v. S. No. C-4040.)**

On November 7, 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 700 cases of sardines, at Duluth, Minn., alleging that the article had been shipped by L. D. Clark & Son, from Eastport, Me., August 1, 1924, and transported from the State of Maine into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Banquet Brand American Sardines In Cottonseed Oil Packed at Eastport \* \* \* Me. By L. D. Clark & Son."

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

On March 5, 1925, by stipulation entered into between the Government and the owners of the product, L. D. Clark & Son, Eastport, Me., judgment was entered by the court, ordering that the said product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13636. Adulteration and misbranding of butter. U. S. v. John G. Vess, Erle K. Ely, and Andrew C. Nichols (Western Creamery Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 17240. I. S. No. 1216-v.)**

On November 2, 1923, the United States attorney for the Western District of Missouri, 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 G. Vess, Erle K. Ely, and Andrew C. Nichols, copartners, trading as Western Creamery Co., Kansas City, Mo., alleging that on or about July 6, 1922, the said defendants had sold under a guarantee that the article should meet the requirements of the food and drugs act a quantity of butter which was adulterated and misbranded within the meaning of said act, and that on July 7, 1922, the said article was shipped, by the purchaser thereof, in the identical condition as when sold as aforesaid, from the State of Missouri into the District of Columbia, in further violation of said act. The article was labeled in part: (Carton) "One Pound Net \* \* \* Creamery Butter."

Analyses by the Bureau of Chemistry of this department of 6 samples of the article showed an average of 78.1 per cent of fat and 17.6 per cent of moisture. Thirty prints weighed averaged 15.47 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing excessive moisture had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," borne on the cartons containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter, and that each of the cartons contained 1 pound net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter and that each of the said cartons contained 1 pound net thereof, whereas it did not consist wholly of creamery butter but did consist in whole or in part of a product deficient in milk fat and containing excessive moisture, and each of said cartons did not contain 1 pound net of the article but did contain a less amount. 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 June 26, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*