

**13691. Misbranding of tankage. U. S. v. Ruedy Products Co. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 19617. I. S. No. 22008-v.)**

On April 27, 1925, the United States attorney for the District of Colorado, 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 Ruedy Products Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 9, 1924, from the State of Colorado into the State of Kansas, of a quantity of tankage which was misbranded. The article was labeled in part: "100 Lbs. Net Tankage Protein 60%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 46.26 per cent of protein. Examination of 36 sacks of the product showed that the average net weight was 95.6 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Lbs. Net" and "Protein 60%," borne on the sacks containing the said article, were false and misleading, in that the said statements represented that the sacks each contained 100 pounds of the article and that it contained 60 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 the said sacks each contained 100 pounds of the article and that it contained 60 per cent of protein, whereas each of a number of the said sacks contained less than 100 pounds of the article, and the product in each of a number of the said sacks contained less than 60 per cent of protein. 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 May 5, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

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

**13692. Misbranding of Madam Dean's female pills. U. S. v. 11 Boxes of Madam Dean's Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13366. I. S. No. 5709-t. S. No. E-2520.)**

On August 19, 1920, the United States attorney for the Western 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 11 boxes of Madam Dean's female pills, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Martin Rudy, Lancaster, Pa., alleging that the article had been shipped from Lancaster, Pa., August 2, 1920, and transported from the State of Pennsylvania into the State of New York, 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 quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch.

Misbranding of the article was alleged in the libel for the reason that the following statements borne on the labels: (Box label and wrapper) "Female Pills \* \* \* give relief in Female Disorders of the menstrual functions \* \* \* for Painful, Irregular and Scanty Menstruation," (booklet) "irregular, prolonged, or suppressed menstruation \* \* \* Female Pills afford relief for these ailments \* \* \* A remedy intended solely for the relief of amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system \* \* \* especially valuable in the functional changes \* \* \* of the menopause or change of life \* \* \* act on the circulatory system of the uterus thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring the menstrual or monthly period \* \* \* strengthen and build up the uterine functions," (circular) "a great relief against those general complaints the female sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel \* \* \* for irregular, painful, scanty or suppressed menstruations \* \* \* should be taken \* \* \* to assist nature with \* \* \* disorders \* \* \* during the change of life period \* \* \* Continue \* \* \* the treatment until they give relief \* \* \* great relief from Pains or Headache \* \* \* for suppressed Menstruation \* \* \* continue their use until relieved \* \* \* take \* \* \* until the menstrual flow commences again," regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or com-

**13695. Adulteration and misbranding of butter. U. S. v. 29 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20271. I. S. No. 6403-x. S. No. E-5376.)**

On July 9, 1925, the United States attorney for the Northern District of Georgia, 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 29 cases of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Kosciusko Creamery, from Kosciusko, Miss., on or about June 25, 1925, and transported from the State of Mississippi into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Butter Net Weight One Pound."

Adulteration of the article was alleged in the libel for the reason that a product other than butter and deficient in milk fat had been substituted in part for butter, and for the further reason that it contained less than 80 per cent by weight of milk fat.

Misbranding was alleged in substance for the reason that the statement "Butter," borne on the labels, was false and misleading and deceived and misled the purchaser into the belief that each of the packages contained 1 pound of butter, whereas the said article was deficient in milk fat and the said packages being so deficient in milk fat did not contain one pound of butter.

On July 11, 1925, F. M. Warfel, claimant, having admitted the allegations of the libel 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 \$400, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain not less than 80 per cent of milk fat.

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

**13696. Alleged adulteration and misbranding of butter. U. S. v. Mississippi Creameries Co., Inc. Tried to the court without a jury. Judgment of not guilty. (F. & D. No. 17780. I. S. No. 3012-v.)**

On April 7, 1924, the United States attorney for the Northern District of Mississippi, 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 Creameries Co., Inc., a corporation, Tupelo, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 6, 1922, from the State of Mississippi into the State of Georgia, of a quantity of butter which was alleged to have been adulterated and misbranded. The article was labeled in part: "Creamery Butter One Pound Net Weight."

Analysis by the Bureau of Chemistry of this department of 11 samples of the article showed an average of 78.05 per cent of butterfat and 18.34 per cent of moisture; 180 cartons showed an average net weight of 15.66 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 "Creamery Butter" "One Pound Net Weight," borne on the packages 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 said packages contained 1 pound net weight 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 butter and that each of the packages contained 1 pound thereof, whereas it did not consist wholly of butter but did consist in part of a product deficient in milk fat and containing excessive moisture, and each of said packages did not contain 1 pound net weight of butter 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 clearly and conspicuously marked on the outside of the package.

On October 8, 1924, the defendant company having waived a jury trial and having entered a plea of not guilty and having denied the facts alleged in the information, the case came on for final disposition before the court.