

York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Spirit Nitrous Ether U. S. P. Sweet Spirit of Nitre * * * Contains Between 3.5 and 4.5 % of Ethyl Nitrite * * * Felborn Pharmacal Co., Inc., Brooklyn, N. Y."

Adulteration of the article was alleged in substance in the libel for the reason that it was offered for sale under the distinctive name of an article recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by tests laid down in said pharmacopœia, and in that its strength and purity fell below the professed standard or quality under which it was sold, to wit, "Spirit Nitrous Ether U. S. P. Sweet Spirit of Nitre Contains Between 3.5 and 4.5 % of Ethyl Nitrite," since the said product contained not more than 2.4 per cent of ethyl nitrite, and an added ingredient, to wit, acetone, 3.9 per cent by volume. It was further alleged in the libel that the article was adulterated in violation of section 7, paragraph 1 under drugs, of said act, in that it contained 3.9 per cent by volume of acetone.

Misbranding was alleged for the reason that the statement "Contains Between 3.5 and 4.5 % of Ethyl Nitrite," borne on the label, was false and misleading and deceived and misled the purchaser.

On April 24, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14288. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21013. I. S. No. 1093-x. S. No. W-1950.)

On April 10, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed meal, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Spears & Co., from El Paso, Tex., March 3, 1926, and transported from the State of Texas into the State of California, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cotton Seed Meal. Manufactured By Spears & Company El Paso, Texas Guaranteed Analysis Crude Protein Not Less Than 43.00 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements "43% Protein" "Crude Protein Not Less Than 43.00 per cent," borne on the label, were false and misleading and deceived and misled the purchaser.

On May 4, 1926, the Consolidated Milling Co., San Francisco, Calif., having appeared as claimant for the property 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 \$500.20, in conformity with section 10 of the act, conditioned in part that it be made to conform to the provisions of the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14289. Adulteration and misbranding of evaporated apples. U. S. v. R. D. Waterman & Son, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19719. I. S. No. 14792-v.)

On February 16, 1926, 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 an information against R. D. Waterman & Son, Inc., Fruitland, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 9, 1924, from the State of New York into the State of Minnesota, of a quantity of evaporated apples which were adulterated and misbranded. The article was labeled in part: (Box) "Lake Shore Brand Evaporated Apples R. D. Waterman & Son, Inc. Fruitland, N. Y.," (package) "Lakeshore Brand New York State Apples 12 Oz.," (rubber stamped "10 Oz.") "Net * * * Packed By R. D. Waterman & Son, Inc. Fruitland & Williamson, N. Y. U. S. A."