

cent of protein and more than 4 per cent of fiber, and the said portion contained less than 4 per cent of fat. Misbranding of the said red dog, was alleged for the further reason that it was a mixture deficient in protein, and with respect to a portion of the product also deficient in fat, and which contained excessive fiber, composed in large part of a product other than red dog, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, red dog.

Adulteration of the middlings was alleged for the reason that a mixture composed largely of a rye product had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for middlings, which the said article purported to be.

Misbranding of the said middlings was alleged for the reason that the statement, to wit, "Middlings," borne on the label, was false and misleading in that the said statement represented that the article was middlings, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was middlings, whereas it was not, but was a mixture composed in large part of a rye product. Misbranding was alleged for the further reason that the article was a mixture composed in large part of a rye product prepared in imitation of middlings, and was offered for sale and sold under the distinctive name of another article, to wit, middlings.

On April 26, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

15344. Adulteration and misbranding of fluidextract cinchona compound, fluidextract nux vomica, and tincture cinchona compound. U. S. v. Interstate Commerce Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 19768. I. S. Nos. 5177-x, 5182-x, 17289-v, 17293-v, 17295-v.)

On September 20, 1926, the United States attorney for the Eastern District of Virginia, 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 Interstate Commerce Co., a corporation, Richmond, Va., alleging shipment by said company, in violation of the food and drugs act, in part on or about June 10, 1925, and in part on or about October 19, 1925, from the State of Virginia into the District of Columbia, of quantities of fluidextract cinchona compound, fluidextract nux vomica, and tincture cinchona compound, which were adulterated and misbranded. The articles were labeled in part: "Fluid Extract Cinchona Comp. * * * For Tinct. Cinchona Comp. (U. S. P. 1900) Fluidextract Cinchona Comp. 5 fl. ozs. * * * Alcohol 7½ fl. ozs. * * * Water 2½ fl. ozs. * * * Interstate Commerce Company, Inc.;" "Fluidextract Nux Vomica * * * 100 cc. of this fluidextract contains 2.5 Grams of the alkaloids of Nux Vomica * * * Interstate Commerce Co., Inc.;" "Tinct. Cinchona, Comp., U. S. P. * * * Interstate Commerce Company, Inc."

Analysis by this department of samples of the articles showed that the two samples of tincture cinchona compound contained, respectively, not more than 0.29 and 0.294 gram of the alkaloids of cinchona per 100 mls; that the two samples of fluidextract nux vomica contained respectively not less than 3.09 and 3.11 grams of the alkaloids of nux vomica per 100 mls; and that the sample of fluidextract cinchona compound yielded not more than 0.9 gram of the alkaloids of cinchona per 100 mls.

Adulteration of the fluidextract cinchona compound was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that 5 fluid ounces of the article, mixed with 7½ fluid ounces alcohol and 2½ fluid ounces of water yielded tincture cinchona compound as prescribed by the United States Pharmacopoeia, 1900, whereas the said article, mixed as aforesaid, would not yield tincture cinchona compound as prescribed in said United States Pharmacopoeia.

Misbranding of the fluidextract cinchona compound was alleged for the reason that the statements, to wit, "Fluid Extract Cinchona Comp. * * * For Tinct. Cinchona Comp. (U. S. P. 1900) Fluidextract Cinchona Comp. 5. fl. ozs. * * * Alcohol 7½ fl. ozs. * * * Water 2½ fl. ozs.," borne on the label, represented that 5 fluid ounces of the fluidextract of cinchona compound, when mixed with 7½ fluid ounces of alcohol and 2½ fluid ounces of water, composed tincture cinchona compound according to the test laid down in the United States Pharmacopoeia, 1900, whereas 5 fluid ounces of the fluidextract of

cinchona compound when mixed with the said proportions of alcohol and water did not compose tincture cinchona compound according to the test laid down in said United States Pharmacopoeia.

Adulteration of the fluidextract nux vomica was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia official at the time of investigation, in that it yielded more than 2.63 grams of the alkaloids of nux vomica per 100 mls, to wit, a portion of the article yielded not less than 3.11 grams and the remainder yielded not less than 3.09 grams of the alkaloids of nux vomica per 100 mls, whereas said Pharmacopoeia provided that fluidextract nux vomica should yield not more than 2.63 grams of the alkaloids of nux vomica per 100 mls; and the standard of the strength, quality, and purity of the article was not declared on the container thereof. Adulteration of the said fluidextract nux vomica was alleged for the further reason that its strength and purity fell below the professed standard and quality under which it was sold in that each 100 cubic centimeters, to wit, each 100 mls of said article, was represented to contain 2.5 grams of the alkaloids of nux vomica, whereas each 100 cubic centimeters yielded more than 2.5 grams of the alkaloids of nux vomica.

Misbranding of the fluidextract nux vomica was alleged for the reason that the statement, "100 cc. of this fluidextract contains 2.5 Grams of the alkaloids of Nux Vomica," borne on the label, was false and misleading in that the said statement represented that each 100 cubic centimeters, to wit, each 100 mls, of the article contained 2.5 grams of the alkaloids of nux vomica, whereas each 100 cubic centimeters contained more than 2.5 grams of the alkaloids of nux vomica.

Adulteration of the tincture cinchona compound was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia official at the time of investigation of the article; in that it yielded less than 0.4 gram of the alkaloids of cinchona per 100 mls, to wit, a portion of the article yielded not more than 0.294 gram and the remainder thereof yielded not more than 0.29 gram of the alkaloids of cinchona per 100 mls, whereas said Pharmacopoeia provided that tincture cinchona compound should yield not less than 0.4 gram of the alkaloids of cinchona per 100 mls; and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding of the tincture cinchona compound was alleged for the reason that the statement, to wit: "Tinct. Cinchona Comp. U. S. P." borne on the label, was false and misleading in that the said statement represented that the article was tincture cinchona compound which conformed to the standard laid down in the United States Pharmacopoeia, whereas said article was not tincture of cinchona compound which conformed to the test laid down in said Pharmacopoeia.

On October 6, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

15345. Adulteration of scallops and misbranding of oysters. U. S. v. William E. Walker and Wade H. Walker (J. C. Walker & Bros.). Pleas of guilty. Fine, \$75. (F. & D. No. 19788. I. S. Nos. 5753-x, 6190-x.)

On October 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Walker and Wade H. 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, on or about December 17, 1925, from the State of Virginia into the State of New York, of a quantity of oysters, which were misbranded, and on or about February 1, 1926, from the State of Virginia into the State of Pennsylvania, of a quantity of scallops, which were adulterated. The oysters were labeled in part: (Can) "Minimum Volume 1 Gallon Virginia Seaside Oysters," (tag) "From J. C. Walker, Exmore, Va."

Adulteration of the scallops was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be. Adulteration of the