

further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, as required by law, whereas it was not butter as defined and required by law, but was a product deficient in milk fat in that it contained less than 80 per cent by weight of milk fat.

On February 4, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

15717. Misbranding of cottonseed meal. U. S. v. Kershaw Oil Mill. Plea of nolo contendere. Fine, \$200. (F. & D. No. 21610. I. S. Nos. 13528-x, 16201-x.)

On February 12, 1928, the United States attorney for the Eastern District of South Carolina, 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 Kershaw Oil Mill, a corporation, Kershaw, S. C., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about September 27, 1926, and November 3, 1926, from the State of South Carolina into the States of North Carolina and Maryland, respectively, of quantities of cottonseed meal, which was misbranded. The article was labeled in part: "* * * 'Palmetto Brand' Cotton Seed Meal Guaranteed Analysis Protein, Minimum (Equivalent to Ammonia 8%) 41.00 per cent (or 'Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent') * * * Crude Fibre, Maximum 10.00 per cent (or 'Crude Fibre 14.00 per cent') * * * Manufactured by Kershaw Oil Mill Kershaw, South Carolina."

It was alleged in the information that the article was misbranded in that the statements, to wit, "Guaranteed Analysis, Protein, Minimum (Equivalent to Ammonia 8%) 41.00 per cent * * * Crude Fibre, Maximum 10.00 per cent," and "Guaranteed Analysis, Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent * * * Crude Fibre 14.00 per cent," borne on the tags attached to the sacks containing the respective lots of the said article, were false and misleading in that the said statements represented that the article contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and not more than 10 per cent of crude fibre, or contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and not more than 14 per cent of crude fibre, as the case might be, 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 the declared amounts of protein, equivalent to not less than the declared amounts of ammonia, and not more than the declared amounts of crude fibre, whereas the said article contained less protein than declared, less than the equivalent of ammonia so declared, and more crude fibre than declared.

On March 13, 1928, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

15718. Adulteration and misbranding of butter. U. S. v. Mandan Creamery & Produce Co. Plea of guilty. Fine, \$50. (F. & D. No. 21593. I. S. Nos. 5496-x, 5497-x, 5498-x, 5535-x, 7701-x to 7706-x, incl.)

On April 30, 1927, the United States attorney for the District of North Dakota, 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 Mandan Creamery & Produce Co., a corporation, Mandan, N. D., alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about April 10, 1926, and in part on or about May 17, 1926, from the State of North Dakota into the State of Massachusetts, of quantities of butter which was adulterated and misbranded. A portion of the article was contained in cartons and tubs, labeled in part, "Creamery Butter." The remainder of the said article was contained in tubs, a portion of which were labeled, "Net 63 Lbs."

It was alleged in the information that the article was adulterated in that a substance purporting to be butter, but which was not butter in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on a number of the packages containing the article, was

false and misleading in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and for the further reason that it was labeled, "Creamery Butter," so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter as prescribed by law, but was a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged with respect to a portion of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the package bore no statement as to the quantity of the contents.

On March 8, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

15719. Adulteration and misbranding of cottonseed meal. U. S. v. 15 Tons of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22247. I. S. No. 18503. S. No. 300.)

On December 2, 1927, the United States attorney for the District of Massachusetts, 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 15 tons of cottonseed meal, remaining in the original unbroken packages at Belchertown, Mass., consigned about September 9, 1927, alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., and transported from the State of Georgia into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in protein had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement, "Cottonseed Meal Guaranteed Analysis Min. Protein 41.12%," borne on the package or label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On January 27, 1928, the Humphreys-Godwin Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$1,000, conditioned in part that it be relabeled under the supervision of this department.

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

15720. Misbranding of Norma. U. S. v. 35 Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22403. S. No. 476.)

On or about January 28, 1928, 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 a libel praying seizure and condemnation of 35 bottles of Norma, at Richmond, Va., alleging that the article had been shipped by the Norma Laboratories, Inc., Albany, N. Y., on or about December 16, 1927, and transported from the State of New York into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis showed that the article consisted essentially of a soluble phosphate, glycerin, and water with a small amount of plant extractive material and red coloring. Pharmacological examination showed that it was not a vasomotor dilator.

It was alleged in the libel that the article was misbranded in that the statements on the bottle label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "A Vaso Motor dilator. The action of Norma is to relieve the strain on the arteries and blood vessels."