

percent of protein, samples from each of the two shipments having been found to contain 33.38 percent and 38.56 percent, respectively, of protein.

On December 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

**2856. Misbranding of peanut meal. U. S. v. 216 Bags of Peanut Meal. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 5973. Sample No. 18677-E.)

This product contained less crude protein than the proportion declared on the label.

On October 4, 1941, the United States attorney for the District of Maryland filed a libel against 216 bags of peanut meal at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 17, 1941, by Wilmington Oil & Fertilizer Co. from Wilmington, N. C.; and charging that it was misbranded. The product was labeled in part: (Tags) "100 Lbs. Net Peco Brand Peanut Meal Manufactured by Wilmington Oil and Fertilizer Co. Wilmington, N. C. Guaranteed Analysis: Protein Not Less than 41.00%."

It was alleged to be misbranded in that the statement "Protein not less than 41%" was false and misleading as applied to an article that contained not more than 38.62 percent of crude protein.

On October 17, 1941, George F. Obrecht Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2857. Adulteration and misbranding of Codroil. U. S. v. 20 Drums of Codroil. Default decree of condemnation ordering that the product be relabeled and sold as ordinary feed.** (F. D. C. No. 4400. Sample No. 29068-E.)

This product was represented to contain 3.71 percent of cod-liver-oil extract containing 4,833 units of vitamin A per gram, which would indicate that the product contained 179 units of vitamin A per gram; whereas examination showed that it contained only 88 units of vitamin A per gram. Furthermore, no statement of contents appeared on the container.

On April 19, 1941, the United States attorney for the Northern District of Ohio filed a libel against 20 drums, each containing 100 pounds, of Codroil at Ashland, Ohio, alleging that the article had been shipped in interstate commerce by Pho-So-Ash Products Corporation from Kendallville, Ind., on or about February 10, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin A, had been wholly or in part omitted or abstracted therefrom.

It was alleged to be misbranded (1) in that the following statement on the label was false since it was incorrect, "Ingredients—Cod liver oil extract 3.71 per cent (4833 units vitamin A per gram \* \* \*)"; and (2) in that the package (drum) did not bear an accurate statement of the quantity of contents.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 571.

On July 3, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be relabeled and sold as ordinary feed.

**2858. Misbranding of Pro-Gro. U. S. v. 3 10-Pound, 3 25-Pound, and 1 335-Pound Containers of Pro-Gro. Consent decree of condemnation and destruction.** (F. D. C. Nos. 4379, 4380. Sample Nos. 43876-E, 43877-E.)

The labeled portion of this product bore false and misleading claims regarding its efficacy as an egg and meat producer, and the unlabeled portion failed to bear the name and address of the manufacturer, packer, or distributor. Both portions also failed to bear the required quantity of contents and active ingredient statements.

On April 21, 1941, the United States attorney for the District of Kansas filed a libel against the above-named product at Ottawa, Kans., alleging that it had been shipped by the Pro-Gro Co. from Kansas City, Mo., on or about January 28, 1941; and charging that it was misbranded. With the exception of the portion contained in one of the 10-pound containers, the article was unlabeled.

The labeled portion of the article was alleged to be misbranded in that the statements, "Pro—Produces More Eggs! Gro—Grows More Meat! Poultry Supplement Fertility . . . Vitality," were false and misleading since they represented that it would be efficacious for the purposes recommended, whereas it would not be efficacious for such purposes; and in that the name "Pro-Gro," a