

Misbranding of the article was alleged in the information in that it was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On June 7, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**8637. Misbranding of hominy. U. S. \* \* \* v. 100 Cases and 75 Cases of Empson's Hominy. Judgment of dismissal by consent. Product released under bond.** (F. & D. Nos. 11910, 11911. I. S. Nos. 2830-r, 2833-r. S. Nos. W-571, W-572.)

On February 5, 1920, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 100 cases and 75 cases, each containing 24 cans, of Empson's hominy, remaining unsold in the original unopened packages at Raton, N. Mex., and Las Vegas, N. Mex., respectively, alleging that the article had been shipped, respectively, by the Southern Colorado Mercantile Co., Trinidad, Colo., October 22, 1918, and the Empson Packing Co., Longmont, Colo., November 26, 1918, and transported from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that each of the cans was labeled "Empson's Ye Olde Fashioned Hominy, Weight of Contents 1 pound 15 ounces," which statements were false and misleading in that they did not correctly state the quantity of the contents therein, such contents being from 7 to 10 per cent less than that marked on the outside of said cans.

On August 20, 1920, the Empson Packing Co., Longmont, Colo., having entered an appearance as claimant of the property, judgment by consent was rendered, and it was ordered by the court that the case be dismissed upon payment of the costs of the proceedings by the claimant and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the cans be re-marked so as to show the true weight of the contents thereof.

E. D. BALL, *Acting Secretary of Agriculture.*

**8638. Adulteration of tomatoes. U. S. \* \* \* v. 975 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond.** (F. & D. No. 12177. I. S. No. 9508-r. S. No. C-1756.)

On February 21, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 975 cases of canned tomatoes, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Winfield Webster & Co., Vienna, Md., from Rhodesdale, Md., on or about December 14, 1919, and transported from the State of Maryland into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Blue Dot Brand Tomatoes" (cut of red tomato) "\* \* \* Packed by Winfield Webster & Co., Vienna, Md."

Adulteration of the article was alleged in the libel for the reason that tomato pulp had been mixed and packed with, and substituted wholly or in part for, the article.

On June 3, 1920, Winfield Webster & Co., Vienna, Md., claimant, having entered an appearance and filed its answer to the libel, and the court having given consideration to the same, judgment of condemnation and forfeiture was

entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,022.50, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**8639. Misbranding of cottonseed cake. U. S. \* \* \* v. Phoenix Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12292. I. S. No. 6958-r.)**

On April 19, 1920, the United States attorney for the Western District of Tennessee, 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 Phoenix Cotton Oil Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 28, 1918, from the State of Tennessee into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein not less than 38.62%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 38.62 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.62 per cent of protein, whereas, in truth and in fact, the article did contain less than 38.62 per cent of protein.

On May 22, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**8640. Misbranding of goose grease liniment. U. S. \* \* \* v. Goose Grease Co., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$100 and costs. (F. & D. No. 6007. I. S. No. 9635-c.)**

On July 27, 1915, the United States attorney for the Western District of North 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 Goose Grease Co., a corporation, Greensboro, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 9, 1912, from the State of North Carolina into the State of Maryland, of a quantity of goose grease liniment which was misbranded. The article was labeled in part, "Rice's G. G. Liniment \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an emulsion of crude petroleum, gasoline, ammonia, and 1.08 grams per 100 cc. of saponifiable fat. Petroleum products constituted the major portion of the oil present.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements regarding the therapeutic or curative effects thereof, appearing on the label of the bottle and cartons, falsely and fraudulently represented it to be effective as a relief for spavin, stifle joints, lameness, and as a cure for sweeny, curbs, founder, mange, swelled legs, thrush, galls, scratches, collar boils, sprains, swellings, and corns, and (in circular) for the cure of all aches and pains, as a cure for rheumatism and rheumatic gout, and for curing all diseases known to horses, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the