

Examination of a sample of the article by the Bureau of Chemistry of this department showed an average shortage in 13 cans of 5.10 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents  $\frac{1}{4}$  Gallon," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of said cans contained  $\frac{1}{4}$  gallon net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained  $\frac{1}{4}$  gallon net thereof, whereas, in truth and in fact, each of said cans did not contain  $\frac{1}{4}$  gallon net of the article, but contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 17, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

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

**8751. Misbranding of olive oil. U. S. \* \* \* v. Gabriel Carbateas and Nicholas S. Monahos (N. S. Monahos). Pleas of guilty. Fine, \$25.**  
(F. & D. No. 11988. I. S. No. 16197-r)

On November 12, 1920, the United States attorney for the Southern 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 Gabriel Carbateas and Nicholas S. Monahos, copartners, trading as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 9, 1919, from the State of New York into the State of Florida, of a quantity of oil which was misbranded. The article was labeled in part, "Mouaho's Olio di Oliva Termini Imerese."

Examination of a sample of the article by the Bureau of Chemistry of this department showed an average shortage on 14 cans of 4 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 1 Quart," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the cans contained 1 quart net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained 1 quart net thereof, whereas, in truth and in fact, each of the cans did not contain 1 quart net of the article, but contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 17, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

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

**8755. Misbranding of dried brewers' grains. U. S. \* \* \* v. K. & E. Neumond, a Corporation. Plea of nolo contendere. Fine, \$25 and costs.**  
(F. & D. No. 11999. I. S. No. 10687-r.)

On April 21, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against K. & E. Neumond, a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 2, 1918, from the State of Missouri into the State of Indiana, of a quantity of dried brewers'

grains which was misbranded. The article was labeled in part, "Goldnes Kalb' Dried Brewers' Grains \* \* \* K. & E. Neumond, Inc."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 5.85 per cent of fat, 21.2 per cent of protein, and 16.6 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guarantee \* \* \* not less than 6.0 per cent of crude fat, 24.0 per cent of crude protein, not more than 13.0 per cent of crude fiber," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 6 per cent of crude fat, not less than 24 per cent of crude protein, and not more than 13 per cent of crude fiber, 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 6 per cent of crude fat, not less than 24 per cent of crude protein, and not more than 13 per cent of crude fiber, whereas, in truth and in fact, it contained less crude fat and crude protein and more crude fiber, to wit, approximately 5.85 per cent of crude fat, 21.2 per cent of crude protein, and 16.6 per cent of crude fiber.

On November 10, 1920, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs

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

**S756. Misbranding of The Texas Wonder. U. S. \* \* \* v. 3 Dozen Packages of The Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (U. & D No 12125, I. S No 632-r, S No. E-1945.)**

On January 30, 1920, the United States attorney for the Southern District of Georgia, 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 3 dozen packages of The Texas Wonder, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by E. Strocker, St. Louis, Mo., on or about January 19, 1920, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Package) "Texas Wonder \* \* \* E. W. Hall, Sole Manufacturer St. Louis, Mo.;" (carton) "The Texas Wonder, Hall's great discovery for kidney and bladder trouble, diabetes, weak and lame backs, rheumatism \* \* \* Gravel regulates bladder trouble in children;" (circular, testimonial of Louis A. Portner, St. Louis, Missouri) " \* \* \* Began using The Texas Wonder for stone in the kidneys, inflammation of the bladder, and tuberculosis of the kidneys \* \* \* Urine contained 40 per cent pus. \* \* \* Still using the medicine with wonderful results and his weight had increased \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed essentially of copaiba, rhubarb, colocinium, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the carton and label and in the circular were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.