

ant. On June 11, 1921, the motion for a new trial having been denied, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to Ida C. Goodwin, executrix of the estate of Levi H. Goodwin, claimant for the property, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10173. Misbranding of Dr. LeGear's hog prescription. U. S. * * * v. 260 Cartons of Dr. LeGear's Hog Prescription. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 11912, 11913, 11914, 11915, 11916, 11917, 11918. I. S. Nos. 633-r, 634-r, 635-r, 636-r, 637-r, 638-r, 639-r. S. Nos. E-1952, E-1953, E-1954, E-1955, E-1956, E-1957, E-1958.)

On February 9, 1920, the United States attorney for the Western 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 a libel for the seizure and condemnation of 260 cartons of Dr. LeGear's hog prescription, at Newberry, Chappells, Kinards, Clinton, and Cross Hill, S. C., respectively, alleging that the article had been shipped by the Dr. L. D. LeGear Medicine Co., St. Louis, Mo., between the dates December 13 and 17, 1919, and transported from the State of Missouri into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of magnesium sulphate, iron sulphate, sodium chlorid, charcoal, American wormseed, quassia, and ground vegetable material.

Misbranding of the article was alleged in substance in the libel for the reason that the label on each of the cartons containing the said article bore the following medicinal claims, "Dr. LeGear's Hog Prescription. The Worm Expeller * * * Good for many cases of so-called Cholera in Hogs, such as Diarrhoea, Bowel Troubles, Kidney Worms, etc. Guaranteed * * * Directions * * * For Diarrhoea, Dysentery and other Bowel Troubles resembling Cholera * * * Manufactured Only By Dr. L. D. LeGear Medicine Co. St. Louis, Mo.," which said medicinal claims were false, fraudulent, and misleading.

On September 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10174. Adulteration and misbranding of peanut meal. U. S. * * * v. 287 Sacks of Peanut Meal * * *. Consent decree ordering release of the product under bond. (F. & D. No. 12979. I. S. No. 121-r. S. No. E-2396.)

On June 26, 1920, 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 a libel for the seizure and condemnation of 287 sacks of peanut meal, remaining in the original unbroken packages at Charleston, S. C., consigned by the Camilla Cotton Oil & Fertilizer Co., Macon, Ga., alleging that the article had been shipped on or about June 5, 1920, and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds Peanut Feed Manufactured By Camilla Cotton Oil & Fertilizer Co. Camilla, Georgia. * * *"

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

Misbranding was alleged in substance for the reason that the statement appearing upon the tags attached to the sacks containing the article, "Peanut Feed * * * Made From Pressed Peanut Cake," was false and misleading and deceived and misled the purchaser, since the said article was not made from pressed peanut cake but was a mixture of pressed peanut cake and added peanut hulls. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On July 27, 1920, I. M. Pearlstine & Sons, Inc., Charleston, S. C., claimant, having admitted the allegations of the libel and having consented to a decree,