

**10402. Adulteration of ice cream cones. U. S. \* \* \* v. 704 Cases of Ice Cream Cones \* \* \* . Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12416. I. S. No. 228-r. S. No. B-2122.)**

On May 8, 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 704 cases of ice cream cones, remaining in the original unbroken packages at Columbia, S. C., consigned by the Roberts Cone Mfg. Co., St. Joseph, Mo., September 27, 1918, alleging that the article had been shipped from St. Joseph, Mo., and transported from the State of Missouri into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, (on package) "Roberts Goodie Cones."

It was alleged in substance in the libel that the article was adulterated in that it consisted of a filthy, decomposed, and putrid vegetable substance.

On August 20, 1920, Armour & Co., claimant, 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 \$500, in conformity with section 10 of the act, conditioned in part that the product be marked or stamped "Not for human food." The product was subsequently used as hog feed.

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

**10403. Misbranding of Lafayette blackberry cordial. U. S. \* \* \* v. The Lafayette Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 13949. I. S. No. 12738-r.)**

On May 24, 1921, the United States attorney for the District of New Hampshire, 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 Lafayette Co., a corporation, Berlin, N. H., alleging shipment by said defendant, on or about February 19, 1919, in violation of the Food and Drugs Act, as amended, from the State of New Hampshire into the State of Massachusetts, of a quantity of an article labeled in part "Lafayette Blackberry Cordial," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a blackberry cordial.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of said article, appearing on the labels of the carton and bottle containing it and contained in the circular which accompanied it, falsely and fraudulently represented that the article was in whole or in part composed of or contained ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for dysentery, cholera infantum, summer complaint, chronic diarrhea, colic, cramps, cholera, cholera morbus, and other stomach and bowel troubles, when, in truth and in fact, it was not so composed and did not contain such ingredients.

On May 28, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

**10404. Adulteration of shell eggs. U. S. \* \* \* v. Hillie J. Davis and William T. Davis (The City Grocery Co.). Pleas of guilty. Fine, \$10 and costs. (F. & D. No. 14057. I. S. No. 9558-r.)**

On May 9, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hillie J. Davis and William T. Davis, trading as The City Grocery Co., Mineral Springs, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 17, 1920, from the State of Arkansas into the State of Texas, of one case of shell eggs. The article was labeled in part: "From City Grocery, Mineral Springs, Ark. \* \* \*."

Examination of the 360 eggs involved in the consignment, by the Bureau of Chemistry of this department, showed the presence of 47, or 13 per cent, inedible eggs, consisting of black rots, mixed or white rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 14, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs.

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

**10405. Adulteration of shell eggs. U. S. \* \* \* v. David J. Ellis. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14317. I. S. No. 9560-r.)**

On May 9, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against David J. Ellis, Fulton, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 18, 1920, from the State of Arkansas into the State of Texas, of a quantity of shell eggs which were adulterated.

Examination of the 360 eggs involved in the consignment, by the Bureau of Chemistry of this department, showed the presence of 27, or 7.5 per cent, inedible eggs, consisting of black rots, mixed or white rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 16, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

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

**10406. Adulteration of coal-tar color. U. S. \* \* \* v. 3 Cans of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14814. I. S. Nos. 4489-t, 4490-b S. No. C-2979.)**

On or about April 22, 1921, the United States attorney for the Northern District of Texas, 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 cans of coal-tar color, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 21, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "One Pound Net W. B. Wood Mfg. Co., St. Louis, Mo., \* \* \*."

It was alleged in substance in the libel that the article was misbranded [adulterated] in that it contained ingredients that were poisonous and deleterious to health and for the further reason that it contained sodium chlorid and sodium sulphate, which had been mixed and packed with and substituted wholly or in part [for the said article].

On March 3, 1922, 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.*

**10407. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. Eastern Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$30 and costs. (F. & D. No. 15268. I. S. Nos. 8699-t, 8700-t.)**

On November 3, 1921, the United States attorney for the Eastern 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 Eastern Cotton Oil Co., a corporation, Hertford, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 10 and 11, 1921, respectively, from the State of North Carolina into the State of Virginia, of quantities of cottonseed meal, part of which was misbranded and the remainder of which was adulterated and misbranded. The article was labeled in part: (Tag) "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company, Elizabeth City, N. C. \* \* \*."

Examination of 30 sacks of the product taken from each of the consignments, by the Bureau of Chemistry of this department, showed that the average net weight of the sacks examined was 98.24 pounds and 97.76 pounds, respectively.