

branding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "5 Ozs. Net Tri-State Brand Egg Noodles Manufactured by Sharp Elliott Mfg. Co., El Paso, Texas."

Adulteration of the article was alleged in the libel for the reason that plain noodles containing little or no egg had been substituted wholly or in part for egg noodles, which the said article purported to be.

Misbranding was alleged in substance for the reason that the labeling, to wit, "Egg Noodles," borne on the cases and cartons containing the article, was false and misleading in that the said article was not egg noodles but plain noodles, containing little or no egg. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of an article other than that contained within the said cartons and cases.

On October 10, 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.*

10713. Misbranding of cucumbers. U. S. v. South Carolina Produce Assoc., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 15483. I. S. No. 9290-t.)

On March 22, 1922, 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 an information against the South Carolina Produce Assoc., a corporation, Meggett, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 1, 1921, from the State of South Carolina into the State of New Jersey, of a number of baskets containing cucumbers which were misbranded.

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

On June 8, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

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

10714. Misbranding of cottonseed cake. U. S. v. Commonwealth Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15456. I. S. No. 11656-t.)

On January 13, 1922, the United States attorney for the Western District of Oklahoma, 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 Commonwealth Cotton Oil Co., a corporation, Cushing, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 5, 1920, from the State of Oklahoma into the State of Missouri, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "Gold Medal—43 Per cent. 100 lbs. Cottonseed Meal or Cake. * * * Commonwealth Cotton Oil Co. Cushing, Oklahoma."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.85 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis: Crude Protein 43 per cent or better" and "Guaranteed Analysis Protein, Not Less Than 43%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as afore-said so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, the said article did contain less than 43 per cent of protein, to wit, approximately 40.85 per cent.

On April 10, 1922, 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.

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

10715. Misbranding of Aspironal. U. S. v. 47½ Dozen Bottles of Aspironal. Tried to the court and a jury. Judgment ordering condemnation, forfeiture, and destruction of the product. (F. & D. Nos. 15683, 15684. S. No. E-3659.)

On December 2, 1921, 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 47½ dozen bottles of Aspironal, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by the Aspironal Laboratories, Atlanta, Ga., on or about August 13, 1920, and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "* * * Colds, Coughs, Influenza, La Grippe * * * Headache, Toothache, Earache, Stomachache, Neuralgia, Sciatica, * * * Rheumatism."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small amount of sugar, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded in regard to the curative and therapeutic effects of the said article, in that the above-quoted statements were misleading, false, and fraudulent, for the reason that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 17, 1922, no claimant having appeared for the property, and the case having come on for final disposition before the court and a jury, judgment for the Government was entered, and it was ordered by the court that the product be condemned and forfeited and that it be destroyed by the United States marshal.

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

10716. Adulteration of lemon soda. U. S. v. 398, 979, and 366 Bottles of Lemon Soda. Default decrees of condemnation, forfeiture, and destruction. (E. & D. Nos. 15804, 15805, 15806. I. S. Nos. 9805-t, 9802-t, 9803-t. S. Nos. E-3806, E-3763, E-3764.)

On January 21 and February 7, 1922, the United States attorney for the District of Porto Rico, 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 398 bottles, 979 bottles, and 366 bottles of lemon soda at Ponce, Arecibo, and Bayamon, Porto Rico, alleging that the article was being offered for sale and sold in Porto Rico, and charging adulteration in violation of the Food and Drugs Act. The 398 bottles were labeled in part, "Soda De Limon." The 979 bottles were labeled in part, "Moreda y Martin * * * Limonada." The 366 bottles were labeled in part, "La Borinquen Limon."

Adulteration of the article was alleged in the libels for the reason that a solution of saccharin had been substituted in part for said article.

On August 1, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

10717. Adulteration of coriander seed. U. S. v. 6 Bags and 3 Barrels of Alleged Coriander Seed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (E. & D. No. 15973. I. S. Nos. 1788-t, 1789-t. S. No. C-3426.)

On February 13, 1922, the United States attorney for the District of Kansas, 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 6 bags and 3 barrels, more or less, of alleged coriander seed, at Kansas City, Kans., alleging that the article had been shipped on or about January 21 and January 23, 1922, by the Steinwender-Stoffregen Coffee Co., St. Louis, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

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

On April 5, 1922, the Steinwender-Stoffregen Coffee Co., a corporation, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the article be relabeled and that, if the product should be transported in interstate commerce, it should be transported only for the purpose of its removal to the closest and most convenient place for its being put into proper condition for sale.

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