

of cottonseed hulls, and a considerable amount of peanut shells. No oat feed or cottonseed meal was found.

Misbranding of the articles was alleged in substance in the informations for the reason that the statements, to wit, "Guaranteed Analysis Protein 9.00 per cent" and "Made from Corn, Oats, Rice-Bran C. S. Meal or Velvet Bean Meal, Alfalfa Meal, Oat Feed (Oat Hulls, Oat Shorts, Oat Middlings), Molasses, Salt," with respect to the Suwanee brand, the statements, to wit, "Guaranteed Analysis. Fat 2.00 per cent Protein 9.00 per cent" and "Containing Corn, Oats, Alfalfa, Cane Molasses, Salt," with respect to the Primo brand, the statement, to wit, "Guaranteed Analysis. Protein 9.00 per cent," with respect to the My-T-Good brand, and the statements, to wit, "Guaranteed Analysis. Protein 9.00 per cent Fibre 15.00 per cent" and "Containing Corn, Oats, Alfalfa, Cottonseed Meal, Oat Feed (Oat Hulls, Oat Middlings, Oat Shorts), Rice Bran, Cane Molasses, Salt," with respect to the Bay Mule brand, borne on the tags attached to the sacks containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles each contained not less than 9 per cent of protein and that the Primo brand contained 2 per cent of fat and the Bay Mule brand contained not more than 15 per cent of fiber, and that the articles consisted wholly of the ingredients appearing in said statements, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they each contained 9 per cent of protein, that the Primo brand contained 2 per cent of fat, that the Bay Mule brand contained not more than 15 per cent of fiber, and that they consisted wholly of the ingredients appearing in the said statements, whereas, in truth and in fact, the Suwanee brand did contain less than 9 per cent of protein, to wit, 6.78 per cent, and was not composed only of corn, oats, rice bran, cottonseed meal, or velvet bean meal, alfalfa meal, oat feed, oat hulls, oat shorts, oat middlings, molasses, and salt, but did contain peanut shells and did not contain any cottonseed meal or velvet bean meal, the Primo brand did contain less than 2 per cent of fat and less than 9 per cent of protein, to wit, 1.53 per cent of fat, and 7.16 per cent of protein, and did not consist wholly of corn, oats, alfalfa, cane molasses, and salt, but did consist in part of rice hulls, the My-T-Good brand did contain less than 9 per cent of protein, to wit, 7.09 per cent, and the Bay Mule brand did contain less than 9 per cent of protein, to wit, 6.71 per cent, and did contain more than 15 per cent of fiber, to wit, 20.50 per cent, and did not consist wholly of corn, oats, alfalfa, cottonseed meal, oat feed (oat hulls, oat middlings, oat shorts), rice bran, cane molasses, and salt, but did consist in part of peanut shells, and contained no oat feed.

On December 6, 1921, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of \$40.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10891. Adulteration and misbranding of vinegar. U. S. v. 4½ Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13829. I. S. No. 3465-t. S. No. C-2564.)

On October 29, 1920, the United States attorney for the Western District of Wisconsin, 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 4½ barrels of vinegar, remaining in the original unbroken packages at Grantsburg, Wis., alleging that the article had been shipped by Barrett & Co., Minneapolis, Minn., on or about August 26, 1920, and transported from the State of Minnesota into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs act, as amended.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for maize sugar fermented vinegar. Adulteration was alleged for the further reason that the article was artificially colored with caramel in such a manner as to conceal the inferiority of the said article.

Misbranding was alleged in substance for the reason that the barrels containing the article were labeled "Barrett & Company Maize Sugar Fermented Vinegar, Always Good Reduced to 4½% Acetic Strength * * * Minneapolis, Minn.," which statements regarding the said article were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the

further reason that the article was offered for sale under the distinctive name of another article, to wit, maize sugar fermented vinegar, and for the further 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 packages.

On May 22, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10892. Misbranding of Allan's compound extract of damiana. U. S. v. 8 Bottles, et al, of Allan's Compound Extract of Damiana. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14989, 14990, 15076. S. Nos. C-3078, C-3079, C-3081.)

On July 18, 1921, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 bottles, 12 bottles, and 49 bottles of Allan's compound extract of damiana, remaining in the original unbroken packages at Terry, Utica, and Jackson, Miss., respectively, alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about February 1, 1918, and July 13 and August 7, 1920, respectively, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and bottle) "* * * A Tonic For Both Sex * * *;" (carton) "* * * Nerve and Brain Remedy * * * For Hysteria, Dizziness, Convulsions, Nervous Prostration * * * General Weakness * * * In Nervous Debility."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including nuxvomica, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof, appearing in the labels of the bottles and cartons containing the said article, were false and fraudulent in that the said article had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effect. Misbranding was alleged for the further reason that the article failed to bear on the label of the carton and bottle a statement of the quantity or proportion of alcohol it contained.

On November 7, 1921, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10893. Misbranding of olive oil. U. S. v. 2 Cases and 8 Cans of Olive Oil. Default decrees of condemnation, forfeiture, and sale or destruction. (F. & D. Nos. 15079, 15080. I. S. Nos. 6678-t, 6679-t. S. No. E-3390.)

On June 22, 1921, the United States attorney for the District of Connecticut, 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 2 cases and 8 cans of olive oil, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the articles had been shipped by C. Buonocore & Son, New York, N. Y., on or about May 5, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Roma Brand Puro Olio d'Oliva Il Campidoglio (Roma) C. Buonocore & Son 1 Gallon * * *"

Misbranding of the article was alleged in substance in the libels for the reason that the labels of the cans containing the said article bore a certain statement, to wit, "One Gallon," which said statement was false and misleading and deceived and misled the purchaser. 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 September 16, 1921, 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 sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*