

Misbranding of the article was alleged in substance in the libel for the reason that the statement on the label, "Protein 36.00%," was false and misleading in that the article did not contain 36 per cent of protein, but contained an amount of protein materially less than 36 per cent.

On July 15, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and the product was ordered sold by the United States marshal.

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

**9981. Adulteration and misbranding of peanut feed. U. S. \* \* \* v. 200 Sacks of Peanut Feed, et al. Decrees permitting release of product under bond. (F. & D. Nos. 602-c, 603-c, 604-c, 605-c.)**

On or about June 8, 1920, the United States attorney for the Southern District of Florida, acting upon reports by the State chemist, Department of Agriculture of Florida, filed in the District Court of the United States for said district libels for the seizure and condemnation of 900 sacks of peanut feed, at Tampa, Fla., consigned by the Camilla Cotton Oil Co., Camilla, Ga., alleging that the article had been shipped from Camilla, Ga., on or about April 1 [23], 1920, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (tag) "100 Pounds Peanut Feed \* \* \* Manufactured by Camilla Cotton Oil Co., Camilla, Ga. \* \* \*"

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

Misbranding was alleged for the reason that certain statements appearing in the labeling, to wit, "Protein and Fat 30 per cent; Sugar and Starch 22.00 per cent; Fibre 27.00 per cent," were false and misleading and deceived and misled the purchasers, since the said product contained less protein and fat, less sugar and starch, and more fiber than declared on said labeling.

On July 20, 1920, the E. E. Freeman Co., the R. E. Householder Co., the Consolidated Grocery Co., and the Cumberland & Liberty Mills Co., respectively, of Tampa, Fla., having entered appearances as claimants for the property, judgments of the court were entered ordering the release of the product to the said claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

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

**9982. Adulteration and misbranding of Pulaski mill feed. U. S. \* \* \* v. Cunningham Commission Co., a Corporation. Plea of guilty. Judgment in the sum of \$65.20. (F. & D. No. 9196. I. S. No. 15476-p.)**

On December 3, 1918, the United States attorney for the Eastern 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 the Cunningham Commission Co., a corporation, Little Rock, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 17, 1917, from the State of Arkansas into the State of Mississippi, of a quantity of Pulaski mill feed which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 12.19 per cent of crude protein and 14.24 per cent of crude fiber. Examination of a sample by said bureau showed that it contained wheat starch, wheat bran, rice starch, rice bran, a considerable amount of rice hulls, and a trace of cornstarch, with no corn bran present.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, rice hulls, had been substituted in part for a product composed of wheat bran, wheat shorts, rice bran, rice polish, and corn bran, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, corn bran, had been wholly abstracted.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis: Crude Protein 13.00% \* \* \* Crude Fiber 11.00% \* \* \* Ingredients: Wheat Bran, Wheat Shorts, Rice Bran, Rice Polish, Corn Bran," 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 they represented that the said article contained not less than 13 per cent of crude protein and not more than 11 per cent of crude fiber, and that it was composed exclusively of wheat bran, wheat shorts, rice bran, rice polish, and corn bran, 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 13 per cent of crude protein and not more than 11 per cent of crude fiber, and that it was composed exclusively of wheat bran, wheat shorts, rice bran, rice polish, and corn bran, whereas, in truth and in fact, it did contain less than 13 per cent of crude protein, to wit, 12.19 per cent of crude protein, and did contain more than 11 per cent of crude fiber, to wit, 14.24 per cent of crude fiber, and the said article was not composed exclusively of wheat bran, wheat shorts, rice bran, rice polish, and corn bran, but was composed in part of rice hulls and contained no corn bran.

On January 6, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and the court entered a judgment in the sum of \$65.20.

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

**9983. Misbranding of Dr. David Roberts hog tonic. U. S. \* \* \* v. Dr. David Roberts Veterinary Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 10890. I. S. No. 5909-r.)**

On June 16, 1921, the United States attorney for the Eastern District of Wisconsin, 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 Dr. David Roberts Veterinary Co., a corporation, Waukesha, Wis., alleging shipment by said company, on or about April 6, 1918, in violation of the Food and Drugs Act, as amended, from the State of Wisconsin into the State of Missouri, of a quantity of Dr. David Roberts' hog tonic which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of starch, charcoal, anise, fenu-greek, and other plant material, iron sulphate, and potassium nitrate.

Misbranding of the article was alleged in substance in the information for the reason that the statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the cans containing the said article, falsely and fraudulently represented it to be effective as a preventive for hog cholera and other diseases of hogs and effective to rid hogs of worms, when, in truth and in fact, it was not.

On June 30, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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