

the lungs, * * * Milks Emulsion contains a great amount of fat, * * * Milks Emulsion will start the accumulation of pus from the cavities * * * in ten to twenty-four hours. * * * the stomach and bowels put in a good healthy condition, thus enabling the patient to digest and assimilate his food, thereby building up the blood and tissue * * * combat the weakening effect of tuberculosis * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of petrolatum, with small amounts of glycerin, sirup, and essential oils.

Misbranding of the article was alleged in substance in the libel for the reason that the statement in the labeling thereof, "Milks Emulsion contains a great amount of fat," was false and misleading since said drugs contained no fat. Misbranding was alleged in substance for the further reason that the therapeutic effects claimed for said drugs on the cartons and in the booklet aforesaid were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 10, 1919, the Milks Emulsion Co., Terre Haute, Ind., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to 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 relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

8471. Adulteration of oysters. U. S. * * * v. Benjamin J. Rooks (Benjamin J. Rooks & Son). Plea of nolo contendere. Fine, \$30. (F. & D. No. 11999. I. S. Nos. 12810-r, 12811-r.)

At the May, 1920, term of court, within and for the District of Rhode Island, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against Benjamin J. Rooks, trading as Benjamin J. Rooks & Son, Providence, R. I., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 13 and 14, 1919, from the State of Rhode Island into the State of Massachusetts, of quantities of oysters which were adulterated.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the oysters had been soaked with water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On June 18, 1920, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$30.

E. D. BALL, *Acting Secretary of Agriculture.*

8472. Misbranding of cottonseed meal. U. S. * * * v. Valley Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12002. I. S. No. 7090-r.)

On April 20, 1920, the United States attorney for the Western District of Tennessee, 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 Valley Cotton Oil Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 26, 1918, from the State of Tennessee into the State of Illinois, of a quantity of cottonseed meal which was misbranded.