

Court of the United States for said district libels for the seizure and condemnation of 57 dozen bottles of vanilla and 108 dozen bottles of lemon, 12 dozen bottles of vanilla and 13 dozen bottles of lemon, and 25 dozen bottles of vanilla and 20 dozen bottles of lemon flavor, remaining unsold in the original unbroken packages at Independence, Fredonia, and Iola, Kans., respectively, alleging that the articles had been shipped by the National Food Mfg. Co., St. Louis, Mo., in part on July 17, 1919, and in part on July 28, 1919, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Mother's Brand Pure Flavor of Vanilla" (or "Lemon") "Guaranteed Fine Quality. The National Food Manufacturing Company, St. Louis, U. S. A. 3/4 ounces."

Adulteration of the articles was alleged in substance in the libels for the reason that the so-called vanilla was dilute vanilla extract, and the so-called lemon was dilute terpeneless lemon flavor, and each product contained approximately one-half water, which had been mixed and packed with the said articles so as to reduce, lower, and injuriously affect their quality and strength.

Misbranding of the articles was alleged in substance for the reason that the labels were false and calculated to deceive the purchaser and induce the purchaser to believe that the said articles were pure, whereas, in truth and in fact, they were not pure vanilla flavor or pure lemon flavor.

On August 26, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*

**9491. Adulteration and misbranding of cottonseed meal. U. S. \* \* \***  
**v. Buckeye Cotton Oil Co., a Corporation. Plea of guilty. Fine,**  
**\$50 and costs.** (F. & D. No. 11621. I. S. Nos. 5746-r, 10710-r, 10713-r,  
10907-r, 10906-r.)

On March 1, 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 Buckeye Cotton Oil Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 2 and 16, 1918, from the State of Tennessee into the States of Kentucky and Illinois, respectively, of quantities of Buckeye cottonseed meal, and on or about January 22, 1919, from the State of Tennessee into the State of Indiana, of a quantity of Standard cottonseed meal, which were adulterated and misbranded, and on or about February 3, 1919, from the State of Tennessee into the State of Kentucky, of a quantity of Buckeye cottonseed meal which was misbranded, and alleging that on or about January 17, 1919, F. W. Brode & Co., a corporation, shipped from the State of Tennessee into the State of Indiana a quantity of Jay Brand cottonseed meal which was adulterated and misbranded, and which theretofore had been guaranteed as complying with the provisions of the Food and Drugs Act by the Buckeye Cotton Oil Co.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the presence of from 33 per cent to 40 per cent of cottonseed hulls, and showed that they contained less protein and more fiber than declared in the labeling.

Adulteration of the articles involved in all consignments with the exception of that under date of February 3, 1919, into Kentucky, was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect

their quality and strength, and had been substituted in part for cottonseed meal, which the articles purported to be.

Misbranding was alleged in substance for the reason that the respective statements, to wit, "Protein 36% \* \* \* Fibre 14%," "Protein 36.00 per cent \* \* \* Crude Fibre 12.00 per cent," or "36.0 per cent of crude protein," appearing on the labels of the sacks containing the articles, were false and misleading in that they represented that the said articles contained not less than 36 per cent of protein, and that certain of the articles contained not more than 14 per cent or 12 per cent, as the case might be, of fiber, and for the further reason that the articles were so labeled as to deceive and mislead the purchaser into the belief that they contained not less than 36 per cent of protein, and that certain of the articles contained not more than 14 per cent or 12 per cent of fiber, as the case might be, whereas, in fact and in truth, the articles contained less than 36 per cent of protein, and the products involved in all consignments with the exception of that under date of January 17, 1919, into Indiana, contained more than 14 per cent or 12 per cent, as the case might be, of fiber.

On June 27, 1921, 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.*

**9492. Misbranding of cottonseed cake. U. S. \* \* \* v. Planters Oil Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 12348. I. S. No. 12029-r.)**

On July 17, 1920, the United States attorney for the Western District of Texas, 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 Planters Oil Co., a corporation, Hearne, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 13, 1919, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 41.50 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein, not less than 43%," borne on the tags attached to the sacks containing the article, was false and misleading in that it represented to purchasers of the said article that it contained not less than 43 per cent of protein, 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 43 per cent of protein, whereas, in fact and in truth, it contained less than 43 per cent of protein, to wit, approximately 41.50 per cent.

On March 3, 1921, 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.*

**9493. Misbranding of Hobo Kidney & Bladder Remedy. U. S. \* \* \* v. 48 Bottles of Hobo Kidney & Bladder Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12388. I. S. No. 9681-r. S. No. C-1921.)**

On May 6, 1920, the United States attorney for the Western 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 48 bottles of Hobo Kidney & Bladder Remedy, at Waco, Tex., alleging that the article had been shipped by the Hobo Medicine Mfg. Co., Shreveport, La., on or about March 15, 1920, and transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the Food and