

On March 6, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

11345. Misbranding of herbs. U. S. v. John J. Cowan (Rheumatism Herb Co.). Plea of guilty. Fine, \$11. (F. & D. No. 14930. I. S. No. 10440-t.)

On October 3, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John J. Cowan, trading as the Rheumatism Herb Co., Santa Monica, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 9, 1920, from the State of California into the State of Colorado, of a quantity of herbs which were misbranded. The article was labeled in part: "One pound Herbs * * * Rheumatism Herb Co. Venice, California."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of the dried and moldy leaves of a species of eucalyptus.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the curative and therapeutic effects of the said article, appearing on the packages containing the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism and for all kidney affections, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statements, to wit, "One pound Herb" and "An Herb," borne on the said package, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article consisted wholly of herbs, whereas, in truth and in fact, the said article did not consist wholly of herbs, but did consist of eucalyptus leaves.

On February 5, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$11.

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

11346. Adulteration and misbranding of butter. U. S. v. 30 Cases and 30 Cases of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 16346. I. S. Nos. 8188-t, 8189-t. S. No. E-3883.)

On May 27, 1922, the United States attorney for the Southern District of Georgia, 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 30 cases of Sunlight creamery butter and 30 cases of Pioneer creamery butter, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Cumberland Valley Creamery, Inc., from Nashville, Tenn., May 16, 1922, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Carton) "One Pound Net Sunlight Creamery Butter." The remainder of the said article was labeled in part: (Carton) "One Pound Net Pioneer Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the labels of the cartons containing the said article, "Butter" and "One Pound Net," were false and misleading since the article was not pure butter and the packages did not contain 1 pound net but contained less than that amount. 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 July 20, 1922, the Cudahy Packing Co., Inc., claimant, having admitted the allegations in the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$215.40, in conformity with section 10 of the act, conditioned in part that it be reworked and relabeled under the supervision of this department.

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