

On November 24, 1926, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14866. Adulteration of butter. U. S. v. 4 Boxes of Butter. Product reworked and ordered released. (F. & D. No. 21290. I. S. No. 11031-x. S. No. W-2002.)

On or about August 10, 1926, 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 a libel praying seizure and condemnation of 4 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Farmers Union Cooperative Creamery, Billings, Mont., about July 15, 1926, and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sweet Grass Cry. Big Timber, Mont."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been partially abstracted from the said article.

On November 17, 1926, the Sweet Grass County Creamery and J. H. Trower, Big Timber, Mont., having appeared as claimants for the property, and the court having found that the product had been reworked and made to comply with the requirements of the law, a decree was entered, ordering that it be released to the said claimants upon payment of the costs of the proceedings, and that the bond theretofore filed be exonerated.

W. M. JARDINE, *Secretary of Agriculture.*

14867. Adulteration of canned succotash. U. S. v. 144 Cases and 15 Cases of Succotash. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20896. I. S. Nos. 5469-x, 5470-x. S. No. E-5650.)

On February 25, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 159 cases of canned succotash, remaining in the original unbroken packages at North Adams, Mass., consigned about November 22, 1924, alleging that the article had been shipped by the Knoxboro Canning Co., Oriskany Falls, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance, saccharin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, for the further reason that a substance, saccharin, had been substituted in part for the said article, for the further reason that saccharin had been mixed with the article in a manner whereby damage and inferiority was concealed, and for the further reason that the article contained an added poisonous or other added deleterious ingredient, saccharin, which might have rendered it injurious to health.

On December 20, 1926, the New Hartford Canning Co. (Ltd.), New Hartford, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 \$600, conditioned in part that it not be transported in interstate commerce except for the purpose of being returned to the claimant, and not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession of the United States which prohibit the use of saccharin in like products for human consumption.

W. M. JARDINE, *Secretary of Agriculture.*

14868. Adulteration and misbranding of dairy feed. U. S. v. Joseph William Bell (J. W. Bell Mill & Elevator). Plea of nolo contendere. Fine, \$100. (F. & D. No. 21554. I. S. Nos. 7485-x, 7539-x.)

On October 25, 1926, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Joseph William Bell, trading as J. W. Bell Mill & Elevator, Spartanburg, S. C., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, on or about April 1 and June 10, 1926, respectively, from the State of South Carolina into the State of Georgia, of quantities of dairy feed which was adulterated and misbranded. The article was labeled in part: (Tag) "Milk—Mo' Dairy Feed * * * Guaranteed Average Analysis Protein not under 17.00% * * * Ingredients Alfalfa Meal, Wheat Bran, Wheat-Mill Feed, Oat Feed, Cotton Seed Meal, Corn Feed Meal, Ground Grain Screenings, Molasses and Salt * * * From J. W. Bell, Mill and Elevator * * * Spartanburg, S. C."

Adulteration of the article was alleged in the information for the reason that undeclared substances, to wit, linseed meal and rice bran, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that a feed containing less than 17 per cent of protein and containing undeclared substances, to wit, linseed meal and rice bran, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Average Analysis Protein not under 17.00% Ingredients Alfalfa Meal, Wheat Bran, Wheat-Mill Feed, Oat Feed, Cotton Seed Meal, Corn Feed Meal, Ground Grain Screenings, Molasses and Salt," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 17 per cent of protein and that it was composed exclusively of the ingredients named on the said tags, and for the further reason that the said statements were borne on the tags so as to deceive and mislead the purchaser into the belief that the article contained not less than 17 per cent of protein and was composed exclusively of the ingredients named on the tags, whereas it contained less than 17 per cent of protein and was not composed exclusively of the ingredients named on the said tags, but was composed in part of linseed meal and rice bran.

On December 14, 1926, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

14869. Adulteration and misbranding of morphine sulphate tablets and atropine sulphate tablets. U. S. v. Schieffelin & Co. Plea of guilty. Fine, \$400. (F. & D. No. 19776. I. S. Nos. 4418-x, 7005-x, 7251-x, 7263-x.)

On October 8, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Schieffelin & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about May 5, 1925, from the State of New York into the State of Missouri, of a quantity of morphine sulphate tablets, and on or about May 29 and September 12 and 21, 1925, respectively, from the State of New York into the State of New Jersey, of quantities of morphine sulphate tablets and atropine sulphate tablets, which products were adulterated and misbranded. The articles were labeled, variously: "Tablet Triturates * * * Morphine Sulphate 1-2 Grain Schieffelin & Co. New York"; "Tablets * * * Morphinae Sulphatis 1-8 Gr. (8 mgm) Schieffelin & Co. New York"; "Tablets Atropinae Sulphatis * * * 1-60 Gr. Prepared by Schieffelin & Co. New York"; "Tablet Triturates * * * Atropine Sulphate 1/100 Grain Schieffelin & Co. New York."

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented that the said tablets contained $\frac{1}{2}$ grain of morphine sulphate, $\frac{1}{8}$ grain of morphine sulphate, $\frac{1}{60}$ grain of atropine sulphate, or $\frac{1}{100}$ grain of atropine sulphate, as the case might be, whereas each of said tablets contained less of the product than represented on the label thereof, the alleged $\frac{1}{2}$ grain morphine sulphate tablets containing not more than 0.428 grain of morphine sulphate each, the alleged $\frac{1}{8}$ grain morphinae sulphatis tablets containing not more than 0.101 grain of morphine sulphate each, the alleged $\frac{1}{60}$ grain atropinae sulphatis tablets containing not more than 0.0117 grain of atropine sulphate each, and the alleged $\frac{1}{100}$ grain atropine sulphate tablets containing not more than 0.00685 grain of atropine sulphate each.

Misbranding was alleged for the reason that the statements, to wit, "Tablet Triturates * * * Morphine Sulphate 1-2 Grain," "Tablets * * * Morphinae Sulphatis $\frac{1}{8}$ Gr.," "Tablets Atropinae Sulphatis * * * 1-60 Gr."