

that you have agreed and come into court with your verdict. If you agree after five o'clock, you will complete your verdict, seal it up, leave it with your foreman, and report here with your verdict at ten o'clock tomorrow morning. "You may now retire."

The jury then retired and after due deliberation returned a verdict for the Government.

On July 7, 1924, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion and the latter destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

**12536. Adulteration and misbranding of apples. U. S. v. Roland R. Singer and Morris L. Gaskill (Singer & Gaskill). Pleas of guilty. Fine, \$75. (F. & D. No. 16841. I. S. Nos. 6044-t, 6045-t, 6046-t, 6047-t.)**

On February 13, 1923, the United States attorney for the Western 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 Roland R. Singer and Morris L. Gaskill, copartners, trading as Singer & Gaskill, Wilson, N. Y., alleging shipment by said defendants in violation of the food and drugs act as amended, on or about March 4, 1922, from the State of New York into the State of Pennsylvania, of quantities of apples which were adulterated and misbranded. The article was labeled in part: (Barrel) "New York Standard A Grade" and "Min. 2½ Inch," "Min. Size 2½," and "Min. Size 2½ In.," as the case might be. A portion of the barrels were further labeled, "Standard Barrel," and another portion bore no statement of the net contents of the said barrels.

Examination of the article by the Bureau of Chemistry of this department showed that the barrels contained many apples under the size declared on the labels and that a portion of the barrels contained apples infested with insects.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade and quality than New York Standard A Grade and less than 2½ inches in diameter each had been substituted in part for New York Standard A Grade apples 2½ inches in diameter, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard A Grade Min. Size 2½ In.," borne on the barrels containing the article, was false and misleading in that the said statement represented that the barrels contained only New York Standard A Grade apples at least 2½ inches in diameter each, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said barrels contained only New York Standard A Grade apples at least 2½ inches in diameter each, whereas, in truth and in fact, they did not, but contained in part apples of a lower grade and quality than New York Standard A Grade apples, and said barrels did contain in part apples less than 2½ inches in diameter each. Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 13, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

HOWARD M. GORE, *Secretary of Agriculture.*

**12537. Adulteration and misbranding of butter. U. S. v. 36 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. Nos. 18880, 18881, 18882, 18883. I. S. Nos. 12864-v, 13187-v, 13258-v, 13259-v. S. Nos. E-4896, E-4897, E-4898, E-4899.)**

On July 25, 1924, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 129 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Harry H. Redfearn Co. from Chicago, Ill., July 10, 1924, and transported

from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On August 19, 1924, the Harry H. Redfearn Co., Chicago, Ill., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$3,079.10. in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

**12538. Misbranding of Dr. DeWitt's Eclectic Cure. U. S. v. 6 Dozen Bottles of Dr. DeWitt's Electric [Eclectic] Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16475. S. No. E-3987.)**

On June 27, 1922, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 dozen bottles of Dr. DeWitt's Electric [Eclectic] Cure remaining in the original unbroken packages at Panama City, Fla., alleging that the article had been shipped by the W. T. Parker Co., Baltimore, Md., on or about March 21, 1922, and transported from the State of Maryland into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, 67 per cent of alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent in that no ingredients contained in the article were capable of producing the effects claimed, to wit: (Bottle label): "Cure \* \* \* For Cramps, Colic and Diarrhoea \* \* \* Indigestion \* \* \* Horse Colic;" (carton) "Cure \* \* \* for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. \* \* \* Cholera Morbus \* \* \* Rheumatism and Pains generally \* \* \* Sprains or Frosted Feet."

On December 11, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

**12539. Adulteration and misbranding of prepared mustard. U. S. v. 13 Barrels of Prepared Mustard. Decree of condemnation and forfeiture. Product released to claimant upon payment of costs. (F. & D. No. 18815. I. S. No. 16133-v. S. No. E-4877.)**

On July 8, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 barrels of prepared mustard, consigned by A. Luedemann (Inc.), New York, N. Y., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from New York, N. Y., on or about January 24, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Prepared Mustard."

Adulteration of the article was alleged in the libel for the reason that a substance, mustard bran, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.