injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article and for the further 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 September 16, 1924, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12741. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18946. I. S. No. 16922-v. S. No. E-4935.)

On September 8, 1924, 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 the seizure and condemnation of 3 crates of blueberries, at Boston, Mass., alleging that the article had been shipped by M. Wessel, from North Brooksville, Me., September 1, 1924, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 30, 1924, 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.*

12742. Adulteration and misbranding of lutein tablets. U. S. v. Max J. Wolfson and Philip S. Wolfson. Pleas of guilty. Fine, $100. (F. & D. No. 18364. I. S. Nos. 708-v, 3809-v, 6683-v, 9127-v.)

At the October, 1924, term of the United States District Court within and for the Southern District of New York, 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 Max J. Wolfson and Philip S. Wolfson, theretofore trading as the Stellar Chemical Co., Inc., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about May 18, May 19, May 24, and June 27, 1923, respectively, from the State of New York into the States of Illinois, Missouri, Mississippi, and Virginia, respectively, of quantities of lutein tablets which were adulterated and misbranded. The article was labeled in part: (Bottle) "45 5-Gr. Lutein (Corpus Luteum) Tablets * * * Each tablet represents approximately twenty grains of fully developed corpora lutea."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of potato starch, licorice root, and celery seed, with little or no *corpus luteum* or other animal tissue.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard of quality under which it was sold, in that each tablet was sold as containing 5 grains of lutein and as representing approximately 20 grains of fully-developed *corpora lutea,* whereas each tablet contained little or no lutein or *corpora lutea.*

Misbranding was alleged for the reason that the statements, to wit, "5-Gr. Lutein (Corpus Luteum) Tablets * * * Each tablet represents approximately twenty grains of fully developed corpora lutea," borne on the labels attached to the bottles containing the article, were false and misleading in that the said statements represented that the tablets each contained 5 grains of lutein (*corpus luteum*) and that each tablet represented approximately 20 grains of fully developed *corpora lutea,* whereas each of said tablets did not contain 5 grains of lutein and did not represent approximately 20 grains of fully developed *corpora lutea,* in that the said tablets contained little, if any, lutein or *corpora lutea.* Misbranding was alleged for the further reason that the article was a product which contained little, if any, lutein, prepared in imitation of 5-grain lutein tablets and was offered for sale and sold under the distinctive name of another article, to wit, 5-grain lutein tablets.

On October 6, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of $100.

HOWARD M. GORE, *Secretary of Agriculture.*