

13546. Adulteration of butter. U. S. v. 20 Cubes, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20165, 20173. I. S. Nos. 20126-v, 20127-v, 20128-v, 20129-v, 20131-v, 20450-v. S. Nos. W-1721, W-1727, W-1728.)

On June 13 and 18, 1925, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels and on June 18, 1925, an amendment to the former libel praying the seizure and condemnation of 51 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mutual Creamery Co., from Butte, Mont., in part May 29, 1925, and in part June 4, 1925, and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libels with respect to a portion of the product for the reason that a substance deficient in butterfat had been substituted wholly or in part for the article, and for the further reason that a valuable constituent, butterfat, had been in part abstracted. Adulteration was alleged with respect to the remainder of the product for the reason that a substance deficient in milk fat had been substituted in part for the article, and for the further reason that a valuable constituent, milk fat, had been in part abstracted.

On June 27, 1925, the Mutual Creamery Co., Butte, Mont., having appeared as claimant for the property and having 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 \$1,300, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13547. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20216. I. S. No. 14204-v. S. No. E-5368.)

On June 24, 1925, 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 20 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Stores Co., Minneapolis, Minn., alleging that the article had been shipped from Minneapolis, Minn., on or about June 13, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water 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.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 7, 1925, Semels Bros. Corp. having appeared as claimant for the property, 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 \$500, in conformity with section 10 of the act, conditioned in part that it be reconditioned in accordance with the ruling of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13548. Adulteration and misbranding of butter. U. S. v. 6 Tubs and 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20217, 20218. I. S. Nos. 14098-v, 14099-v. S. Nos. E-5353, E-5354.)

On June 20, 1925, the United States attorney for the Eastern District of Pennsylvania, 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 16 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Le Sueur Creamery Co., Le Sueur, Minn., alleging that the article had been shipped from St. Peter, Minn., on or about June 17, 1925, and transported from the State of Minnesota into the State of Pennsylvania, 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 excessive water 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.

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

On July 7, 1925, Clinton G. Heyd, trading as C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant for the property, 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 \$700, in conformity with section 10 of the act, conditioned in part that it be reconditioned in accordance with the ruling of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13549. Adulteration of tomato catsup. U. S. v. 9 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 19227. I. S. No. 17092-v. S. No. E-5038.)

On December 10, 1924, the United States attorney for the Northern District of West Virginia, 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 9 cases of tomato catsup, remaining in the original unbroken packages at Moundsville, W. Va., alleging that the article had been shipped by D. Rizzo, Albion, N. Y., on or about August 2, 1924, and transported from the State of New York into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Page Brand Tomato Catsup Packed by Thomas Page, Albion, N. Y., U. S. A."

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

On May 26, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13550. Misbranding of morphine sulphate tablets and heroin tablets. U. S. v. the P. J. Noyes Co. Plea of guilty. Fine, \$500 and costs.
(F. & D. No. 19310. I. S. Nos. 2415-v, 15455-v.)

On March 6, 1925, the United States attorney for the District of New Hampshire, 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 P. J. Noyes Co., a corporation, Lancaster, N. H., alleging shipment by said company, in violation of the food and drugs act, on or about March 24, 1924, from the State of New Hampshire into the State of Massachusetts, of a quantity of morphine sulphate tablets, and on or about April 8, 1924, from the State of New Hampshire into the State of New York, of a quantity of heroin tablets, both consignments of which were misbranded. The articles were labeled, respectively, in part: "500 Compressed Tablets Morphine Sulphate * * * 1-8 Grain * * * The P. J. Noyes Company Lancaster, N. H." and "500 Tablet Triturates Heroin * * * 1-24 Grain The P. J. Noyes Company Lancaster, N. H."

Analysis of a sample of the morphine sulphate tablets by the Bureau of Chemistry of this department showed that they averaged not more than 0.107 grain of morphine sulphate to each tablet; analysis of a sample of the heroin tablets by said bureau showed that they averaged not more than 0.0294 grain of heroin to each tablet.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Tablets Morphine Sulphate * * * 1-8 Grain" and "Tablet Triturates Heroin * * * 1-24 Grain," borne on the labels of the respective products, were false and misleading, in that the said statements represented that the articles contained one-eighth grain of morphine sulphate or one twenty-fourth grain of heroin, as the case might be, whereas the said tablets did not contain the amounts of the respective articles declared on the labels but did contain less amounts.

On May 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*