

the tincture opium was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it yielded approximately 0.70 of a gram of anhydrous morphine per 100 mils, whereas said pharmacopœia provided that tincture of opium should yield not less than 0.95 of a gram of anhydrous morphine per 100 mils, and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding of the heroin hydrochloride tablets and the morphine sulphate tablets was alleged for the reason that the statements, to wit, "Tablet Triturate Heroin Hydrochloride 1/24 Grain" and "Tablets Morphine Sulphate 1-8 Gr.," borne on the labels of the bottles containing the respective products, were false and misleading, in that the said statements represented that each of said tablets contained 1/24 grain of heroin hydrochloride, or 1/8 grain of morphine sulphate, as the case might be, whereas each of the said tablets contained less heroin hydrochloride, or less morphine sulphate, than declared in the labels. Misbranding of the tincture opium was alleged for the reason that the statement, "Tincture Opium U. S. P. 9th Revision * * * Opium in each fld. oz. 45 6-10 gr. Standard, 1.25 Per Cent of Crystallizable Morphine," borne on the label, was false and misleading, in that it represented that the article was tincture opium which conformed to the United States Pharmacopœia, 9th Revision, and that it contained in each fluid ounce 45.6 grains of opium and 1.25 per cent of crystallizable morphine, whereas it was not tincture opium which conformed to the United States Pharmacopœia, 9th Revision, it did not contain 45.6 grains of opium in each fluid ounce but did contain a less amount, and it did not contain 1.25 per cent of crystallizable morphine but did contain a less amount.

On September 25, 1925, the defendant entered pleas of guilty to the informations, and the court imposed fines in the aggregate amount of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13786. Adulteration and misbranding of canned tuna fish. U. S. v. 7 Cases of Tuna Fish. Default order of destruction entered. (F. & D. No. 19921. I. S. No. 16254-v. S. No. E-5197.)

On March 26, 1925, 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 praying the seizure and condemnation of 7 cases of tuna fish, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the M. de Bruyn Importing Co., from New York, N. Y., on or about December 2, 1924, and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "California Tuna Standard All Light Meat."

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

Misbranding was alleged for the reason that the statement "California Tuna Standard All Light Meat," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On August 7, 1925, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13787. Adulteration of shell eggs. U. S. v. 384 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20423. I. S. No. 1405-x. S. No. C-4796.)

On or about August 25, 1925, the United States attorney for the Northern District of Illinois, 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 384 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Stensvad Poultry Co., from North Platte, Nebr., August 19, 1925, and trans-

ported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

During the month of September, 1925, W. E. Sage, Chicago, Ill., claimant, having admitted the material allegations of the libel 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 \$1,000, in conformity with section 10 of the act, conditioned in part that the eggs be candled under the supervision of this department, the bad portion destroyed, and the good portion released.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13788. Misbranding of canned corn. U. S. v. 60 Cases of Canned Corn. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20096. I. S. No. 15655-v. S. No. E-5205.)

On June 22, 1925, the United States attorney for the Northern District of Ohio, 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 60 cases of canned corn, at Youngstown, Ohio, alleging that the article had been shipped by A. L. Brahm Co., Pittsburgh, Pa., on or about April 13, 1925, and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Nun-So-Good Brand Sugar Corn Contents 1 Lb. 4 Oz. Packed By New Vienna Canning Co. New Vienna, Ohio."

Misbranding of the article was alleged in the libel for the reason that the statement "Contents 1 Lb. 4 Oz." borne on the labels, was false and misleading and deceived and misled the purchaser. 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 September 15, 1925, C. Tornello & Co., Youngstown, Ohio, having appeared as claimant for the property and having executed a bond in the sum of \$200, to insure the relabeling of the product, judgment of condemnation was entered, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings, and that it be brought into compliance with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13789. Misbranding of butter. U. S. v. 71 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20262. I. S. No. 1901-x. S. No. C-4777.)

On July 2, 1925, the United States attorney for the Western District of Tennessee, 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 71 cases of butter, at Memphis, Tenn., alleging that the article had been shipped by the Pine Bluff Creamery Co., from Pine Bluff, Ark., June 11, 1925, and transported from the State of Arkansas into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Jersey Creamery Butter One Pound Net * * * Pine Bluff Creamery Butter * * * Pine Bluff, Ark."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound," borne on the labels, was false and misleading and deceived and misled the purchaser, and 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 21, 1925, the Pine Bluff Creamery Co., Pine Bluff, Ark., 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 \$250, in conformity with section 10 of the act, said bond providing that the product be reconditioned or relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*