1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Cake. Prime Quality."

Misbranding of the article was alleged in the libel for the reason that the statement "43% Protein," borne on the label, was false and misleading and deceived and misled the purchaser, since the said product did not contain 43 per cent of protein.

On July 21, 1926, the Consumers Cotton Oil Mills having appeared as claimant for the property, judgment of forfeiture was entered, and it was ordered by the court that the property 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, conditioned in part that it be relabeled according to its correct contents.

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

14691. Adulteration and misbranding of morphine sulphate tablets and codeine sulphate tablets. U. S. v. Morgenstern & Co. Plea of nolo contendere. Special judgment entered. Fine, $150. (F. & D. No. 18998. I. S. Nos. 1916–v, 1926–v, 1927–v, 2252–v, 2873–v, 15359–v.)

At the December, 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 Morgenstern & Co., a corporation, New York, N. Y., alleging shipment by said company, in various consignments, on or about June 14, 1923, from the State of New York into the State of Pennsylvania, of a quantity of codeine sulphate tablets, on or about June 22, 1923, from the State of New York into the State of Rhode Island, of a quantity of morphine sulphate tablets, on or about December 13, 1923, from the State of New York into the State of New Jersey, of a quantity of morphine sulphate tablets, and on or about August 23, 1923, and January 3, 1924, from the State of New York into the State of Massachusetts, of quantities of morphine sulphate tablets and codeine sulphate tablets which were adulterated and misbranded. The articles were labeled in part: "Distributed and Guaranteed by Morgenstern & Co., New York," and were further labeled as hereinafter set forth.

Analysis by the Bureau of Chemistry of this department of three samples of the morphine sulphate tablets labeled "1/4 Grain" showed that they contained approximately 0.227, 0.227, and 0.225 grain, respectively, of morphine sulphate per tablet; analysis of a sample of the morphine sulphate tablets labeled "1/8 Gr." showed that it contained approximately 0.184 grain of morphine sulphate per tablet; analysis of two samples of the codeine sulphate tablets, labeled "1/4 Grain," showed that they contained approximately 0.215 and 0.219 grain, respectively, of codeine sulphate per tablet.

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 the said tablets to contain 1/4 grain of morphine sulphate, 1/8 grain of morphine sulphate, or 1/4 grain of codeine sulphate, as the case might be, whereas the alleged 1/4 grain morphine sulphate tablets and the alleged 1/4 grain codeine sulphate tablets contained less than represented on the labels, and the alleged 1/8 grain morphine sulphate tablets contained more morphine sulphate than so represented.

Misbranding was alleged for the reason that the following statements, to wit, "Tablets Morphine Sulphate 1/4 Grain," "Tablets Morphine Sulphate 1/8 Gr.," "Tablets Codeine Sulphate * * * 1/4 Grain," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the alleged 1/4 grain morphine sulphate tablets contained less than 1/4 grain of morphine sulphate each, the alleged 1/4 grain codeine sulphate tablets contained less than 1/4 grain of codeine sulphate each, and the alleged 1/8 grain morphine sulphate tablets contained more than 1/8 grain of morphine sulphate each.

On January 26, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed the following judgment: "It is conceded that the tablets were manufactured, bottled, and labeled by the Fraser Tablet Co., of Brooklyn, New York, the defendant company being merely the jobber and relying on the manufacturer's com-

mercial warranties; that the defendant company procured from the Fraser Tablet Co. a guarantee under the pure food & drugs act, the validity of which was questioned because the guarantee was not delivered until after some of the merchandise had been shipped in interstate commerce, although it was procured before the filing of the information. The good faith of the jobber was not involved in this proceeding."

The court thereupon imposed a fine of $150 against the defendant company.

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

14692. Adulteration of scallops. U. S. v. Speridon Stamates (Potomac Fish & Oyster Co.). Plea of guilty. Fine, $20. (F. & D. No. 19785. I. S. No. 4900-x.)

On October 25, 1926, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Speridon Stamates, trading as the Potomac Fish & Oyster Co., Washington, D. C., alleging that on January 21, 1926, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of scallops which were adulterated.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be.

On October 25, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

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

14693. Adulteration of canned cherries. U. S. v. 15 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20758. I. S. No. 8503-x. S. No. C-5037.)

On January 9, 1926, the United States attorney for the Eastern District of Kentucky, 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 15 cases of canned cherries, at Lexington, Ky., consigned by the J. Salter Co., Manchester, N. Y., alleging that the article had been shipped in interstate commerce from Manchester, N. Y., into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Outlet Brand Red Sour Pitted Cherries Packed by The J. Salter Co., Manchester, N. Y."

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

On October 26, 1926, 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.

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

14694. Misbranding of Boro-Pheno-Form. U. S. v. 11 Dozen Retail Packages of Boro-Pheno-Form. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21261. I. S. No. 12439-x. S. No. C-5212.)

On September 3, 1926, the United States attorney for the Northern District of Iowa, 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 11 dozen packages of Boro-Pheno-Form, remaining unsold at Sioux City, Iowa, alleging that the article had been shipped by the Dr. Pierre Chemical Co., from Chicago, Ill., on or about July 13, 1926, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of suppositories containing cocoa butter, quinine sulphate, zinc sulphate, boric acid, and traces of formaldehyde and phenol.

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, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Package label, wrapper and booklet) "antiseptic," (booklet) "Beauty, health and strength * * * Healing and Invigorating Influence.