

The article was labeled in part: "Famous Mineral Wells Water \* \* \* Guaranteed by Famous Mineral Wells Water Co. Mineral Wells, Texas;" (blown on bottle) "One Half Gallon."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the water was polluted. The water contained 5.4 grams per liter of dissolved mineral matter which consisted chiefly of sodium sulphate.

Adulteration of the article was alleged in count 1 of the information for the reason that it consisted in whole or in part of a filthy and decomposed animal and vegetable substance.

Misbranding was alleged in count 2 for the reason that the statement, to wit, "One Half Gallon," blown on the bottle containing the article, was false and misleading in that it represented that each of the said bottles contained one-half gallon of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained one-half gallon of the article, whereas, in truth and in fact, each of said bottles did not contain one-half gallon of the article but did contain a less amount. Misbranding was alleged in count 3 for the 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.

Misbranding was alleged in count 4 of the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing in the labeling, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, Bright's disease, diabetes, stomach troubles, female complaint, and insomnia, when, in truth and in fact, it was not.

On December 10, 1923, a plea of guilty to counts 1 and 4 of the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs. Counts 2 and 3 were dismissed.

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

**12021. Adulteration of oysters. U. S. v. Herman A. Woodfield and William F. Woodfield (Herman A. Woodfield & Bro.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 17427. I. S. Nos. 1357-v, 1358-v.)**

On July 19, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman A. Woodfield and William F. Woodfield, copartners, trading as Herman A. Woodfield & Bro., Galloways, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 11, 1923, from the State of Maryland into the District of Columbia, of quantities of oysters which were adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the oysters were soft and spongy, somewhat bleached in appearance, with little oyster flavor or salinity, and had every appearance of being soaked. The two consignments contained 17.5 and 22 per cent, respectively, of thin watery liquor, having little oyster flavor and resembling water rather than oyster liquor.

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 oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On July 19, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$100, together with the costs.

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

**12022. Alleged adulteration and misbranding of butter. U. S. v. Henningsen Co., a Corporation. Tried to the court and a jury. Directed verdict of not guilty. (F. & D. No. 17139. I. S. Nos. 7857-v, 7858-v.)**

On April 5, 1923, the United States attorney for the District of Montana, 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 Henningsen Co., a corporation, Butte, Mont., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 30, 1922, from the State

of Montana into the State of Idaho, of quantities of butter which was alleged to be adulterated and misbranded. The article was labeled in part: "Butter \* \* \* Henningsen Company Butte, Montana."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the fat content of the said samples ranged from 78.57 to 79.86 per cent and that the moisture content ranged from 15.69 to 16.70 per cent.

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 butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist in part of a product deficient in milk fat and contained excessive water. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, butter.

On November 5, 1923, the case came on for trial before the court and a jury. After the submission of evidence and arguments of counsel the court instructed the jury to find the defendant not guilty on the ground that under the said act no authority existed, at the time of the alleged violation, for the regulation of the Secretary of Agriculture (Circular 136, June, 1919) defining butter.

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

**12023. Misbranding of Eggine. U. S. v. Charles T. Morrissey (Charles T. Morrissey & Co.). Plea of guilty. Fine, \$50. (F. & D. No. 11433. I. S. No. 6875-r.)**

On January 31, 1920, 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 an information against Charles T. Morrissey, trading as Charles T. Morrissey & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 30, 1918, from the State of Illinois into the State of Missouri, of a quantity of Eggine which was misbranded. The article was labeled in part: "Eggine \* \* \* Chas. T. Morrissey & Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of cornstarch, baking powder, and casein, artificially colored with coal-tar dyes, principally tartrazine.

Misbranding of the article was alleged in the information for the reason that the statements appearing in the labeling, to wit, "Eggine," "Use As 12 Eggs," "Same As Eggs," and "can \* \* \* be used instead of eggs in practically all kinds of cooking and baking," were false and misleading in that they represented that the article was an egg substitute and contained the same essential ingredients and constituents as eggs, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an egg substitute and could be used in the place of eggs in cooking and baking, whereas, in truth and in fact, it was not an egg substitute, did not contain the same essential ingredients and constituents as eggs, and could not be used in the place of eggs in cooking and baking.

On December 27, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

**12024. Misbranding of lemon pie filler. U. S. v. Hilker & Bletsch Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14326. I. S. Nos. 3896-t, 9907-r.)**

On July 22, 1921, 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 an information against the Hilker & Bletsch Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 13, 1920, from the State of Illinois into the State of Indiana, and on or about June 12,