12179. Adulteration of walnut meats. U. S. v. 5 Cases of Walnut Meats. Decree entered providing for release of product under bond. (F. & D. No. 17321. I. S. No. 7696–v. S. No. W–1330.)

On March 24, 1923, the United States attorney for the District of Utah, 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 5 cases of walnut meats, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by Max Part, from Los Angeles, Calif., on or about November 22, 1922, and transported from the State of California into the State of Utah, 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 wholly or in part of a filthy, decomposed vegetable substance.

On March 24, 1924, the Sanitary Nut Shelling Co., Los Angeles, Calif., claimant, having paid the costs of the proceedings and having taken the product down under a good and sufficient bond, in conformity with section 10 of the act, to be sorted under the supervision of this department, a decree of the court was entered ordering that the product be released to the said claimant, such order to take effect as of the date of May 25, 1923.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12180. Adulteration of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18488. I. S. No. 15445–v. S. No. E–4778.)

On March 14, 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 14 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Strasburg Creamery, from Strasburg, Ill., on or about March 1, 1924, and transported from the State of Illinois 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 a substance, to wit, a product deficient in butterfat, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly and in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article to wit, butterfat, had been in part abstracted.

On March 17, 1924, Bartlett, Varney & Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12181. Misbranding of potatoes. U. S. v. Charles Hechtman. Plea of guilty. Fine, $30. (F. & D. No. 16418. I. S. Nos. 320–t, 321–t.)

At the July, 1923, term of the United States District Court within and for the District of Minnesota, 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 Charles Hechtman, Genola, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about August 1 and September 2, 1921, respectively, from the State of Minnesota into the State of Wisconsin, of quantities of potatoes which were misbranded. The consignment of August 1 was labeled in part: "150 Lbs. Potatoes weighed into this sack." The remaining consignment was unlabeled.

Examination by the Bureau of Chemistry of this department of 10 sacks from the consignment of August 1 showed that the average net weight of the contents of the said sacks was 138 pounds.

Misbranding was alleged with respect to the product consigned August 1 for the reason that the statement, to wit, "150 Lbs.," borne on the tags attached to the sacks containing the article, was false and misleading, in that it represented that each of said sacks contained 150 pounds of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 150 pounds of the article, whereas, in truth and in fact,

each of said sacks did not contain 150 pounds of the article but did contain a less amount. Misbranding was alleged with respect to both consignments of the product for the 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 December 19, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $30.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12182. Misbranding of Prof. Dupree's French specific pills. U. S. v. 5¾ Dozen Packages of Prof. Dupree's French Specific Pills. Default decree entered providing for destruction of product. (F. & D. No. 15212. I. S. No. 10978-t. S. No. W-995.)

On July 20, 1921, the United States attorney for the District of Utah, 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 5¾ dozen packages of Prof. Dupree's French specific pills, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Cosmopolitan Drug Co., from New York, N. Y., in two consignments, namely, on or about May 12 and June 16, 1921, respectively, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes, iron sulphate, a trace of tansy oil, and plant drugs, coated with a mixture of sugar, starch, calcium carbonate, and talc, colored, some blue. others pink.

Misbranding of the article was alleged in substance in the libels for the reason that the packages bore labels and contained circulars in which appeared statements regarding the curative and therapeutic effects of the said article in relation to their "use in the suppression of irregularities of the menses * * * efficient in their results * * * take one pill every two hours, alternating first the blue and then the pink, until the desired effect is produced * * * girls approaching the age of puberty, who have not overcome the functional derangements induced by that * * * change * * * can be given these pills with great benefit," which said statements were false and fraudulent, since the said article did not contain ingredients or a combination of ingredients capable of producing the effects claimed.

On January 3, 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, *Acting Secretary of Agriculture.*

12183. Adulteration and misbranding of oysters. U. S. v. National Packing Co., a Corporation. Plea of guilty. Fine, $15 and costs. (F. & D. No. 17421. I. S. Nos. 4445-v, 4446-v.)

On August 18, 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 the National Packing Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 29, 1923, from the State of Maryland into the State of Ohio, of a quantity of oysters which were adulterated and misbranded. The article was labeled in part: "Banner Brand Quality Oysters Packed Only By National Pkg. Co. Baltimore, Md."

Examination of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality, for the further reason that a substance, to wit, added water, had been substituted in part for oysters, which the article purported to be, and for the further reason that a valuable constituent of the article. to wit, oyster solids, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Oysters," borne on the cans containing the article, was false and misleading, in that it represented that the said article consisted wholly of oysters, and for the further reason that the article was labeled as aforesaid so as to