

false and misleading in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and for the further reason that it was labeled, "Creamery Butter," so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter as prescribed by law, but was a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged with respect to a portion of the article for the further 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, in that the package bore no statement as to the quantity of the contents.

On March 8, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**15719. Adulteration and misbranding of cottonseed meal. U. S. v. 15 Tons of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22247. I. S. No. 18503. S. No. 300.)**

On December 2, 1927, 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 seizure and condemnation of 15 tons of cottonseed meal, remaining in the original unbroken packages at Belchertown, Mass., consigned about September 9, 1927, alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., and transported from the State of Georgia into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in protein had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement, "Cottonseed Meal Guaranteed Analysis Min. Protein 41.12%," borne on the package or label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On January 27, 1928, the Humphreys-Godwin Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, 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, conditioned in part that it be relabeled under the supervision of this department.

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

**15720. Misbranding of Norma. U. S. v. 35 Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22403. S. No. 476.)**

On or about January 28, 1928, the United States attorney for the Eastern District of 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 seizure and condemnation of 35 bottles of Norma, at Richmond, Va., alleging that the article had been shipped by the Norma Laboratories, Inc., Albany, N. Y., on or about December 16, 1927, and transported from the State of New York into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis showed that the article consisted essentially of a soluble phosphate, glycerin, and water with a small amount of plant extractive material and red coloring. Pharmacological examination showed that it was not a vasomotor dilator.

It was alleged in the libel that the article was misbranded in that the statements on the bottle label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "A Vaso Motor dilator. The action of Norma is to relieve the strain on the arteries and blood vessels."

On April 2, 1928, 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.*

**15721. Adulteration and misbranding of canned lima beans. U. S. v. 98 Cases of Canned Lima Beans, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22224 to 22232, incl., 22259. I. S. Nos. 14658, 14638. S. Nos. 284, 308.)

On December 3 and December 10, 1927, respectively, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 543 cases of canned lima beans, remaining in the original unbroken packages in part at Miami, Fla., and in part at Coconut Grove, Fla., alleging that the article had been shipped by the L. H. Hayward Co., from New Orleans, La., on or about October 10, 1927, and transported from the State of Louisiana into the State of Florida, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act. A portion of the article was labeled: "Starbright Lima Beans \* \* \* Crescent City Packing Co., Packers, New Orleans, U. S. A. \* \* \*." The remainder of the said article was labeled: "Starbright Baby Lima Beans \* \* \* Crescent City Packing Co. Packers New Orleans, U. S. A."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged with respect to a portion of the product for the reason that the statement, "Baby Lima Beans," was false and misleading and deceived and misled the purchaser.

On March 9, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**15722. Adulteration of canned salmon. U. S. v. 1740 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 21285. I. S. Nos. 10534-x, 10535-x. S. No. W-2014.)

On October 11, 1926, the United States attorney for the Western District of Washington, 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 1740 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Libby, McNeill & Libby, from Nushagak, Alaska, August 7, 1926, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Libby's Fancy Red Alaska Salmon Packed in Alaska \* \* \* Packed by Libby, McNeill and Libby, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 9, 1928, Libby, McNeill & Libby, Chicago, Ill., claimant, having admitted the 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 \$500, conditioned in part that the adulterated portion be separated from the remainder and destroyed.

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

**15723. Adulteration of canned cherries. U. S. v. 89 Cartons, et al, of Canned Cherries. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 22184, 22185, 22186. I. S. Nos. 20891-x, 21211-x, 21212-x. S. Nos. 233, 234, 235.)

On November 22, 1927, the United States attorney for the Middle 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 seizure and condemnation of 137 cartons and 39 cases of canned cherries, and on November 29, 1927, an amended libel to cover 27 additional cases of the prod-