

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 \$3,000, conditioned in part that it not be shipped or sold unless relabeled as follows: "One Hundred Pounds Net Cotton Seed Feed Guaranteed Analysis Protein Thirty-Two Percent."

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

15421. Adulteration of dried white figs. U. S. v. 33 Boxes of Dried White Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22065. I. S. No. 13185-x. S. No. 105.)

On September 29, 1927, the United States attorney for the District of New Mexico, 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 33 boxes of dried white figs, remaining in the original packages at Albuquerque, N. Mex., alleging that the article had been shipped by Rosenberg Bros. & Co., from Fresno, Calif., during the month of October, 1926, and had been transported from the State of California into the State of New Mexico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Arabian Brand Choice California White Figs."

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

On November 21, 1927, 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.*

15422. Adulteration of fig paste, pressed figs, and shredded figs. U. S. v. 300 Cases of Fig Paste, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 22193, 22197, 22207. I. S. Nos. 17511-x, 17663-x, 20976-x. S. Nos. 216, 252, 254.)

On November 21, and December 12, 1927, respectively, the United States attorney for the District of Massachusetts, 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 300 cases of fig paste, 100 cases of pressed figs and 50 boxes of shredded figs, remaining in the original unbroken packages at Boston, Mass., consigned between the dates of September 8, 1927, and November 5, 1927, alleging that the articles had been shipped by the Sunland Sales Cooperative Assoc., in part from Fresno, Calif., and in part from San Francisco, Calif., and had been transported from the State of California into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The articles were labeled in part variously: "White Ribbon Figs * * * California Peach & Fig Growers Association * * * Fresno, California," and "White Ribbon Brand Adriatic Fig Paste (or "White Ribbon Brand Shredded Figs") * * * Produced and Packed by California Peach & Fig Growers, Fresno, California."

It was alleged in the libels that the articles were adulterated, in that they consisted in whole or in part of filthy, decomposed, or putrid vegetable substances.

On January 12, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

15423. Adulteration and misbranding of Acid-O-Phil tablets. U. S. v. 16 Gross Packages of Acid-O-Phil Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22021. I. S. Nos. 15723-x, 15725-x. S. No. 60.)

On August 17, 1927, 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, and on October 14, 1927, an amended libel, praying seizure and condemnation of 16 gross packages of Acid-O-Phil tablets, at Chicago, Ill., alleging that the article had been shipped by the H. K. Mulford Co., from Philadelphia, Pa., in part on or about July 2, 1927, and in part on or about July 5, 1927, and transported from the State of Pennsylvania

into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, in that it fell below the professed standard of strength and quality under which it was sold, in that said tablets were devoid of *Bacillus acidophilus*.

Misbranding was alleged for the reason that the following statements, regarding the curative or therapeutic effects of the article, appearing in the labeling: "B. acidophilus tablets. On the normal adult meat or protein diet large numbers of just common decay or putrefactive germs may become active in the intestines. These germs are responsible for waste food material being turned into a foul, putrefied, poisoning substance. This, upon being absorbed into the body, poisons the blood stream and every cell, muscle and organ is more or less affected. This condition affects a large percentage of civilized mankind and many maladies are directly traceable to the poisons generated by the insidious action of these common germs of decay and putrefaction which act on the food material in the intestines. The Moyer's Acid-o-phil treatment for such conditions is based essentially on the oral administration of living cultures of B. acidophilus in tablet form, together with some easily fermentable carbohydrate with the object of restraining the activity of decay and putrefactive organisms in the intestine," were false and fraudulent, in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof that the article was in whole or in part composed of ingredients or medicinal agents or combinations effective as a remedy for the diseases, ailments, and afflictions mentioned upon the said labeling. Misbranding was alleged for the further reason that the statements, to wit, "B. acidophilus tablets * * * The Moyer's Acid-o-phil treatment * * * is based essentially on the oral administration of living cultures of B. acidophilus in tablet form * * * The Moyer's Acid-o-phil product is a viable culture of high bacterial content, containing authentic strains of the beneficial organisms, viz., B. acidophilus (Moro)," borne on the labels, were false and misleading, in that "B. acidophilus tablets," "B. acidophilus in tablet form," and "viz., B. acidophilus," were applied to a drug product which was devoid of *Bacillus acidophilus*.

On November 16, 1927, 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.*

15424. Adulteration and misbranding of cottonseed meal. U. S. v. Rose City Cotton Oil Mill. Plea of guilty. Fine, \$50. (F. & D. No. 19594. I. S. No. 2425-v.)

On February 28, 1925, the United States attorney for the Eastern District of Arkansas, 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 Rose City Cotton Oil Mill, a corporation, Little Rock, Ark., alleging shipment by said company, in violation of the food and drugs act, on or about May 22, 1924, from the State of Arkansas into the State of Indiana, of a quantity of cottonseed meal, which was adulterated and misbranded. The article was labeled in part: "Guaranteed Analysis Protein 43%."

Examination of a sample of the article by this department showed that it contained 40.31 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein, in that it contained less than 43 per cent of protein, had been substituted for cottonseed meal guaranteed to contain 43 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Guaranteed Analysis Protein 43%," borne on the tags attached to the sacks containing the article, was false and misleading in that the said statement represented that the article contained 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 43 per cent of protein, whereas it did not contain 43 per cent of protein, but did contain a less amount.

On November 1, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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