tion, Columbus, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on August 24, 1912, from the State of Ohio into the State of West Virginia, of a quantity of product purporting to be strawberry ice cream, which was adulterated. The product was labeled: "From The Moores & Ross Milk Co., Columbus, Ohio. No. 3009. Date 8/24. Time 8/45. Stand. Thos. J. Elliott, Welch, W. Va. Shipped Via Adams Milk Prod. 5 Gal. Strawberry."

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

56,000,000 organisms per cc, plain agar, after 3 days, at 25° C.; 15,000,000 organisms per cc, litmus, lactose agar, after 3 days at 25° C.; 100 per cent acid; 10,000,000 *B. coli* group per cc; 10,000,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it contained and consisted of a filthy and decomposed animal substance.

On June 3, 1913, the defendant company filed its demurrer to the information, and on June 10 the demurrer was overruled by the court. Thereupon the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $15 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3043. Misbranding of Dr. Hilton's Specific No. 3. U. S. v. 1 Box of Dr. Hilton's Specific No. 3. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5067. S. No. 1708.)

On February 26, 1913, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 box of Dr. Hilton's Specific No. 3, remaining unsold in the original unbroken packages, on the premises of the John W. Perkins Co., Portland, Me., alleging that the product had been shipped on February 6, 1913, from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Dr. Hilton's Specific No. 3, cures colds, the grippe, and absolutely prevents pneumonia, Prepared by G. W. Hilton, M. D., Lowell, Mass., U. S. A."

Misbranding of the product was alleged in the libel for the reason that the packages bore the inscription "D. Hilton's Specific No. 3—trade mark—kills the cold, prevents pneumonia, grippe, bronchitis, and all ills that develop from a cold—Does not kill the heart or injure the stomach—prevention the only sure cure for pneumonia," which said inscription was calculated to deceive and mislead the purchaser of the package bearing said inscription, in that the contents of each of said packages would not prevent pneumonia, and would not prevent grippe, and would not prevent bronchitis, and was not a cure for pneumonia. Misbranding was alleged for the further reason that the packages contained in the box were inscribed as follows: "Prevention—the only cure for pneumonia—Kills the cold and prevents pneumonia, grippe, bronchitis and all ills that develop from it—in Boston where Hilton's No. 3 is almost universally used, it has reduced the death rate from pneumonia more than one-half since 1891," which said inscription was calculated to mislead and deceive the purchaser of the contents of said package, in that the contents thereof would not kill a cold and prevent pneumonia, and would not prevent the grippe, and would not prevent bronchitis and all ills that develop from it, and that it was not true that in Boston the said Hilton's Specific No. 3 was almost universally used, and that it was not true that it had reduced the death rate in Boston from pneumonia more than one-half since 1891; that said inscription was calculated to mislead and deceive the purchaser thereof, in that the contents thereof contained no medicinal properties whatsoever.

On April 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3044. Adulteration and misbranding of wheat bran. U. S. v. 300 Sacks of Wheat Bran. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5073. S. No. 1711.)

On March 1, 1913, 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 for the seizure and condemnation of 300 sacks of wheat bran, remaining unsold in the original unbroken packages, upon the premises of the A. L. Bartlett Co., Rockford, Ill., alleging that the product had been shipped by the Pillsbury Flour Mills Co., Minneapolis, Minn., on January 14, 1913, and transported from the State of Minnesota into the State of Illinois and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "For drawback Pillsbury's Pure and Unadulterated Wheat Bran—guaranteed by Pillsbury Flour Mills Company under the Food and Drugs Act, June 30, 1906—4489 A—Minimum protein 14.50 percent, Minimum fat 4.00 percent, maximum fibre 11.00 percent, 100 pounds, Minneapolis, Minnesota, U. S. A."

Adulteration of the product was alleged in the libel for the reason that a certain substance known as screenings had been mixed and packed with the article of food so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that a certain substance known as screenings had been substituted in part for the article of food aforesaid. Misbranding of the product was alleged for the reason that each of the sacks bore a label in the words and figures set forth above, which said statement, contained in the label upon each of the sacks, deceived and misled the purchaser into the belief that the article of food aforesaid was a pure and unadulterated wheat bran, whereas, in truth and in fact, the article of food aforesaid was not a pure and unadulterated wheat bran, but was a mixture containing wheat bran and screenings, to wit, 4.05 per cent of said screenings. Misbranding was alleged for the further reason that said statement contained in the label upon each of the sacks was false and misleading in that the label aforesaid purported to state that the article of food was a pure and unadulterated wheat bran, whereas, in truth and in fact, the article of food aforesaid was not a pure and unadulterated wheat bran, but was a mixture containing wheat bran and screenings, to wit, 4.05 per cent of said screenings.

On October 18, 1913, the said A. L. Bartlett Co., claimant, having filed its substituted answer admitting all material allegations in the libel, and the court having read and considered the same and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be surrendered and delivered to said claimant company upon payment of the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act, conditioned in part that said claimant should obliterate or cause to be obliterated the portion of the label containing the statement, to wit, "For drawback Pillsbury's Pure and Unadulterated Wheat Bran," and the substitution in lieu thereof of the following: "Wheat Bran with Ground Mill Run of Screenings."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*