be relabeled and remarked and sold again not in violation of the law, it was therefore ordered that the marshal be directed to surrender and to deliver to the claimants the product upon payment of the costs of proceedings and the execution of bond in conformity with the act, one of the conditions of the bond being that the product should be relabeled "Terpeneless Lemon Flavor, $\frac{1}{3}$ Standard Strength."

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

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

3048. Adulteration of tomato conserve. U. S. v. 170 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 5083, 5084. S. No. 1717.)

On or about March 8, 1913, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 170 cases of tomato conserve remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that 70 cases of the product had been shipped on or about December 9, 1912, and 100 cases on or about January 3, 1913, from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of California, and charging adulteration, in violation of the Food and Drugs Act. The product was labeled: "Tomato Conserve—Conserva di Tomate Rossa—Flag Brand—Packed according to Pure Food Law—Packed by Coroneos Brothers, Philadelphia, Pa. Directions—Flavors the meat and gives a nice color."

Adulteration of the product was alleged in the libel for the reason that it was filthy and decomposed and that filthy particles were abundant.

On July 22, 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 destroyed by the United States marshal.

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

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

3049. Adulteration and misbranding of diarrhea calomel pills. U. S. v. William A. Webster Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 5086. I. S. No. 14858-d.)

On September 3, 1913, the United States attorney for the Western District of Tennessee, 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 William A. Webster Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 13, 1911, from the State of Tennessee into the State of Mississippi, of a quantity of diarrhea calomel pills which were adulterated and misbranded. The product was labeled: "500 Diarrhoea Calomel $\frac{1}{8}$ gr.: Morphine Sulph. $\frac{1}{16}$ gr.; Capsicum $\frac{1}{16}$ gr.; Ipecac powder $\frac{1}{32}$ gr.; Camphor $\frac{1}{16}$ gr. Guaranteed by the Wm. A. Webster Co. under the Food and Drugs Act of June 30, 1906. The Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following result: Morphin sulphate per tablet, $\frac{1}{20}$ grain.

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold; that is to say, the article purported to contain morphin sulphate $\frac{1}{16}$ grain to each pill, whereas, in truth and in fact, it contained a much less amount of said ingredient. Misbranding was alleged for the reason that the statement "Morphine Sulphate $\frac{1}{16}$ gr." borne on the label was false and misleading, because it conveyed and tended to convey the impression that the pills contained $\frac{1}{16}$ grain of morphin sulphate in each, when, as a matter of fact, they each contained a much less amount of said ingredient; and said product was further misbranded in that the package containing it failed to bear a statement on the label of the quantity or proportion of morphin contained therein

in type sufficiently large to comply with the requirements of paragraph (c), regulation 17, of the Rules and Regulations for the Enforcement of the Food and Drugs Act.

On October 21, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of $10 with costs of $12.95.

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

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

3050. Adulteration and misbranding of cottonseed meal. U. S. v. 160 Sacks Cottonseed Meal. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5088. S. No. 1723.)

On or about March 11, 1913, the United States attorney for the District of Indiana, 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 160 sacks of cottonseed meal remaining unsold in the original unbroken packages and in possession of the Ohio Valley Seed Co., Evansville, Ind., alleging that the product had been shipped from the State of Tennessee into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "$50 fine for using this tag second time. No. 2895 100 pounds. J. Lindsay Wells Company, of Memphis, Tenn., Guarantees this Star Brand Cottonseed Meal to contain not less than 8.0 per cent of crude fat, 38.5 per cent of crude protein, and to be compounded from following ingredients: Decorticated Cottonseed. W. J. Jones, Jr., State Chemist. Purdue University Agricultural Experiment Station, Lafayette, Ind. Not good for more than 100 Pounds."

Adulteration of the product was alleged in the libel for the reason that it was a product consisting of cottonseed meal with which had been packed and mixed cottonseed hulls so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that each of the sacks purported to contain cottonseed meal and were sold under the distinctive name of cottonseed meal and the statements contained in the contract of sale as to the ingredients and substances contained in the product purporting to be cottonseed meal, to wit, "One car, 15 tons of Sun Dried C. S. Meal, 41 to 45% protein," were false and misleading, in that, in truth and in fact, said product purporting to be cottonseed meal was a substitute and mixture for cottonseed meal, in that cottonseed hulls had been substituted in part for cottonseed meal.

On April 24, 1913, the J. Lindsay Wells Co., Memphis, Tenn., claimant, having filed its claim and answer, and the cause having come on to be heard on the pleadings, 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 at public sale after the obliteration of all brands on the product and the substitution therefor of the following brand, to wit: "A substitute for Cotton Seed Meal with which is packed and mixed Cotton Seed Hulls." It was provided, however, by the decree that if the J. Lindsay Wells Co., within 30 days of the date of the decree, should pay to the United States all costs and charges, and should execute a good and sufficient bond in conformity with section 10 of the act, the United States marshal should thereupon deliver the product to said claimant.

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

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

3051. Adulteration and misbranding of soluble hypodermic tablets. U. S. v. William A. Webster Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 5089. I. S. No. 14881-d.)

On September 3, 1913, the United States attorney for the Western District of Tennessee, 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 William A. Webster Co., a corporation, Memphis, Tenn., alleging shipment by said company,