are 32 doses in an 8 oz. bottle. Notice. Keep the liver and bowels active with purgatives. Always shake the bottle.", which said statement on the label appearing on the packages containing the powders aforesaid did not include a statement of the quantity or proportion of morphin sulphate in each of the packages containing the powders aforesaid in grains [or minims] per ounce [or fluid ounces] in accordance with the provisions of regulation 30 of the rules and regulations adopted October 17, 1906, for the enforcement of the act of Congress aforesaid, but said statement on the label aforesaid stated the quantity of morphin sulphate in each package containing one of the powders aforesaid to be [when properly diluted] 12 grains in each fluid ounce; in another of the powders aforesaid to be 11 grains in each fluid ounce; in another of the powders to be 10½ grains in each fluid ounce; and in the last powder to be 10 grains in each fluid ounce; whereas, in truth and in fact, the package containing the first powder aforesaid contained 92.7 per cent of morphin sulphate, or approximately 405.5 grains per ounce; the second powder contained 88.4 per cent of morphin sulphate, or approximately 385 grains per ounce; the third powder contained 84 [70 (?)] per cent of morphin sulphate, or approximately 367.5 [306.3 (?)] grains per ounce; and the fourth powder contained 69 per cent of morphin sulphate, or approximately 301.1 grains per ounce.

On May 9, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 28, 1914.*

3411. (Supplement to Notice of Judgment 2859.) **Adulteration of frozen eggs. U. S. v. 13 Crates of Frozen Eggs; and Armour & Co., Claimant, v. U. S. Judgment of District Court, on appeal, ordering the condemnation, forfeiture, and destruction of the product, affirmed. Writ of error dismissed.** (F. & D. No. 4012. I. S. No. 18747–d. S. No. 1390.)

On December 11, 1913, Armour & Co., New York, N. Y., claimants of 13 crates of frozen eggs, which had been condemned and forfeited in the United States District Court for the Southern District of New York, after a trial by jury resulting favorably to the Government, filed their assignments of error and an appeal was allowed to the United States Circuit Court of Appeals for the Second Circuit. On April 6, 1914, said claimants filed additional assignments of error and a writ of error was allowed. On June 3, 1914, the case having come up for hearing on said appeal and writ of error, the judgment of the District Court condemning and forfeiting the product and ordering its destruction was affirmed and the writ of error dismissed, as will more fully appear from the following opinions by the said Circuit Court of Appeals before Coxe and Richards, circuit judges, and Mayer, district judge (Coxe, *J.*):

The question involved in this controversy is simply this—whether decayed frozen eggs taken from the shell and mixed together are within the prohibition of the act of Congress which prohibits the transportation from one State to another of any adulterated article of food.

We are clearly of the opinion that they are and that the question of intent of either the shipper or the consignee has nothing to do with the question. The law could not be enforced if the Government is compelled in the case of articles clearly prohibited from interstate commerce to establish the wrongful intent of the parties. It is enough that such articles are prohibited. All that it is necessary for the Government to show is that an adulterated article of food has been transported in interstate commerce and it has amply shown this in the present case. Judge Ray has found the facts and correctly stated the principles of law applicable.

The judgment is affirmed.

In view of our decision in the case of the United States *v.* Thirteen Crates of Frozen Eggs, decided at this term, it is hardly to be expected that a conclusion in favor of the plaintiff in error would be reached herein even if we

were permitted to review the questions presented at the argument and in the briefs. But we are not permitted to review these questions because there is no bill of exceptions. None of the questions discussed is properly before us.

The writ of error is dismissed.

On June 10, 1914, the mandate of the Circuit Court of Appeals was filed in the District Court of the United States for the Southern District of New York, and on June 10, 1914, a writ for the destruction of the property was issued.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 28, 1914.*

3412. Adulteration and misbranding of asafetida. U. S. v. Meyer Bros. Drug Co. Plea of guilty. Fine, $50 and costs. (F. & D. No. 4018. I. S. No. 12229-d.)

On February 15, 1913, the United States attorney for the Eastern District of Missouri, 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 Meyer Bros. Drug Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 26, 1911, from the State of Missouri into the State of Texas, of a quantity of asafetida which was adulterated and misbranded. The product was labeled: "Five Pounds Asafœtida Select—Powdered 30% Soluble Asafœtida Guaranteed by Meyer Brothers Drug Co. Saint Louis Under the Food and Drugs Act. June 30, 1906. No. 55 11822."

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

Alcohol-soluble material (per cent)	19.12
Alcohol-insoluble material (per cent)	80.88
Ash (per cent)	68.67

Adulteration was alleged in the information for the reason that said article and product was sold and labeled under and by a name recognized in the United States Pharmacopœia, to wit, "Asafetida," and said article and product differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of said shipment and investigation in this, to wit: That said Pharmacopœia, at the times mentioned above, prescribed that asafetida, when incinerated, should yield not more than 15 per cent of ash, whereas said article and product, when incinerated, yielded about 68 per cent of ash, and its own standard of strength, quality, and purity, as regards ash, was not declared upon the label upon said case or packages. Misbranding was alleged for the reason that said article and product was a drug and was sold under and by a name recognized in the United States Pharmacopœia, to wit, "Asafetida," and that said article was labeled so as to convey the impression that it conformed to the standard of strength and quality and purity set forth in said United States Pharmacopœia official at the time of said shipment and of investigation, whereas in fact said product differed from said standard in that it yielded an excessive amount of ash upon incineration; and said article and product was further misbranded in that the said statement on said label, to wit, "30% Soluble," was false and misleading for the reason that it conveyed the impression and would lead the purchaser thereof to believe that said product contained 30 per cent of alcohol soluble material, whereas, in fact, it contained only about 19 per cent of alcohol soluble material.

On May 9, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of $50 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 28, 1914.*