

quart can it was stated that it contained " $\frac{1}{4}$ Gal. Net," when, in fact, said cans did not contain $\frac{1}{4}$ gallon net, but each and every one of said cans contained less than $\frac{1}{4}$ gallon net, to wit, about 7 per cent less than $\frac{1}{4}$ gallon net; that said statements as to the measure of the contents of said cans were false and misleading.

On April 10, 1919, Jay J. Gerber and Norman Gerber, copartners, trading as R. Gerber & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act.

E. D. BALL,
Acting Secretary of Agriculture.

7140. Adulteration of powdered capsicum. U. S. * * * v. Allaire, Woodward & Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 9738. I. S. No. 6565-p.)

On May 6, 1919, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allaire, Woodward & Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 1, 1918, from the State of Illinois into the State of New York, of a quantity of an article labeled in part, "Strictly Pure Powdered Capsicum," and charging adulteration in violation of the Food and Drugs Act.

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

	Per cent.
Total ash.....	8.91
Nonvolatile ether extract.....	14.00

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that it yielded approximately 14 per cent of nonvolatile extractive, soluble in ether, whereas said Pharmacopœia provides that it should yield not less than 15 per cent of nonvolatile extractive, soluble in ether, and in that it contained approximately 8.91 per cent of ash, whereas said Pharmacopœia provides that it should yield not more than 7 per cent of ash.

On November 10, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

E. D. BALL,
Acting Secretary of Agriculture.

7141. Adulteration of gelatin. U. S. * * * v. Consumers Glue Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 9742. I. S. No. 8556-p.)

On May 6, 1919, 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 Consumers Glue Co., a corporation, St. Louis, Mo., alleging the shipment by said company, in violation of the Food and Drugs Act, on or about December 1, 1917, and December 22, 1917, from the State of Missouri into the State of Texas, of a quantity of gelatin which was adulterated.

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

Copper (parts per million)----- 80
 Zinc (parts per million)----- 931
 Jelly strength of 2 per cent solution: Very weak.
 Odor of warm solution: Putrid.

Product contains excessive amounts of copper and zinc and is glue, not gelatin.

Adulteration of the article in the shipment was alleged in the information for the reason that a substance, to wit, glue, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for gelatin, which the article purported to be, and for the further reason that it contained added poisonous and deleterious ingredients, to wit, copper and zinc, which might render the article injurious to health.

On November 17, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

E. D. BALL,
Acting Secretary of Agriculture.

7142. Adulteration and misbranding of egg noodles. U. S. * * * v. George A. Lehman & Co. Plea of guilty. Fine, \$50. (F. & D. No. 9780. I. S. Nos. 16158-p, 16415-p, 16423-p.)

On July 30, 1919, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George A. Lehman, trading as George A. Lehman & Co., Portland, Ore., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on December 29, 1917, November 19, 1917, and February 17, 1918, from the State of Oregon into the States of Washington and California, of quantities of an article, labeled in part "Mrs. Schiel's Home Made Style Egg Noodles Geo. A. Lehman & Co. Portland, Oregon," which was adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Shipment of Dec. 29, 1917.	Shipment of Nov. 19, 1917.	Shipment of Feb. 17, 1918.
Moisture (per cent)-----	9.17	10.20	11.24
Ether extract (per cent)-----	.86	1.31	1.50
Lecithin as P ₂ O ₅ (per cent)-----	.028	.018	.02

The average net weight of 10 packages from the shipment of November 19, 1917, which was labeled "8 ounces net weight when packed," and indistinctly stamped with rubber stamp "6 ounces," was 6.16 ounces.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, an alimentary paste containing little or no egg, was substituted in whole for egg noodles, which the article purported to be.

Misbranding of the article in the shipment of December 29, 1917, and February 17, 1918, was alleged for the reason that the statement, to wit, "Egg Noodles," borne on the box containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was egg noodles, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the