

7574. Misbranding of potatoes. U. S. * * * v. George Wager and Archie Foster (George Wager & Co.). Plea of guilty by the defendant George Wager. Fine, \$50. Nolle pros as to the defendant Archie Foster. (F. & D. No. 11608. I. S. No. 13810-r.)

On December 16, 1919, the United States attorney for the Western District of Michigan, 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 Wager and Archie Foster, trading as George Wager & Co., Edmore, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 30, 1919, from the State of Michigan into the State of New York, of a quantity of potatoes which were misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the sacks were not marked with the net weight of the contents.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On December 19, 1919, the defendant George Wager, entered a plea of guilty to the information, and the court imposed a fine of \$50. A nolle pros was entered as to the defendant, Archie Foster.

E. D. BALL, *Acting Secretary of Agriculture.*

7575. Adulteration of oysters. U. S. * * * v. Thomas W. Burke, William T. Davis, and L. C. James (National Packing Co.). Pleas of nolo contendere. Fine, \$20 and costs. (F. & D. No. 11610. I. S. Nos. 3539-p, 3549-p, 13693-r, 13394-r.)

On December 20, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas W. Burke, William T. Davis, and L. C. James, trading as the National Packing Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 6, 1918, March 12, 1918, February 3, 1919, and January 21, 1919, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated.

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

	Shipment of—			
	March 6, 1918.	March 12, 1918.	January 21, 1919.	February 3, 1919.
Drained meat (per cent).....	83.0	80.9	76.6	81.84
Liquor (per cent).....	17.0	19.1	23.4	18.16
Solids in meat (per cent).....	13.17	12.57	13.45	13.53
Solids in liquor (per cent).....	3.75	2.77	5.37	4.91
NaCl in meat (per cent).....	0.02	0.04	0.01	0.03
NaCl in liquor (per cent).....	0.06	0.23	0.27	0.06
Loss on boiling (per cent).....	55.5	55.3	57.9	56.7
Solids on sample as received (per cent).....	11.57	10.70	11.55	11.97

The product contains added water.

Adulteration of the article in each shipment was alleged in the information for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On December 20, 1919, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

7576. Adulteration and misbranding of acid acetylo-salicylic tablets.

U. S. * * * v. Harry A. Jame and Irving H. Annis (Jame & Annis). Pleas of guilty. Fine, \$25. (F. & D. No. 8218. I. S. No. 10526-1.)

On June 18, 1917, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry A. Jame and Irving H. Annis, trading as Jame & Annis, late of Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about November 22, 1915, from the city of Omaha in the State of Nebraska into the State of Minnesota, of a quantity of an article, labeled in part "Compressed Tablets Acid Acetylo-Salicylic," which was adulterated and misbranded.

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that the tablets contained 7.74 per cent of acetanilid, and were composed essentially of acetanilid, starch, and sugar.

Adulteration of the article was alleged in the information for the reason that it was offered for sale as and for tablets, each containing 5 grains of acetylo-salicylic acid, and its strength and purity fell below the professed standard and quality under which it was sold, in that each of said tablets did not contain any acetylo-salicylic acid whatever.

Misbranding of the article was alleged for the reason that the following statements, designs, and devices, regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Tablets Acid Acetylo-Salicylic 5 grains," were false and misleading in that they represented to purchasers that the article consisted of tablets, each of which contained 5 grains of acetylo-salicylic acid, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted of tablets, each of which contained 5 grains of acetylo-salicylic acid, when, in truth and in fact, it did not consist of tablets, each of which contained 5 grains of acetylo-salicylic acid, but consisted of, to wit, tablets, which did not contain any acetylo-salicylic acid whatever. Misbranding was alleged for the further reason that the article contained 7.74 per cent of acetanilid, and the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained therein.

On January 10, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

7577. Misbranding of tea. U. S. * * * v. C. D. Gregg Tea & Coffee Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 9247. I. S. Nos. 9154-p, 19627-p)

On March 20, 1919, 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 an information against