

shipped by A. O. Leonard, New York, N. Y., September 2, 1919, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution of camphor, oil of eucalyptus, and traces of alkaloids in mineral oil.

It was alleged in substance in the libel that the article was misbranded in violation of section 8, paragraph 3, under drugs, of the Food and Drugs Act, in that the article was labeled in part as follows, (carton) "* * * for relief of Deafness, Head Noises, Discharging, Itching, Scaly-Ears * * * Ear Ache * * * Ear Troubles," (label) "* * * Dry, Itching, Aching and Discharging Ears," (circular) "* * * for relief of Catarrhal Deafness * * * to soften and loosen the mucus * * *," whereas it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 10, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

S736. Misbranding of cottonseed feed. U. S. * * * v. Atlanta Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 12349. I. S. No. 10904-r.)

On July 21, 1920, the United States attorney for the Northern District of Georgia, 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 Atlanta Cotton Oil Co., a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 21, 1918, from the State of Georgia into the State of Kentucky, of a quantity of cottonseed feed which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 32.8 per cent of protein and 16.12 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis, Protein 36.00 Per Cent., Fiber 14.00 Per Cent.," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented to the purchasers thereof that the article contained not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it contained not less than 36 per cent of protein and not more than 14 per cent of fiber, whereas, in truth and in fact, it contained less protein and more fiber, to wit, 32.8 per cent of protein and 16.12 per cent of fiber.

On October 6, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

S737. Misbranding of cottonseed cake. U. S. * * * v. Belleville Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 12353. I. S. No. 5928-r.)

On August 31, 1920, the United States attorney for the Southern District of Texas, 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

Belleville Cotton Oil Co., a corporation, Belleville, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 12, 1918, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Examination of the article by the Bureau of Chemistry of this department showed the average gross weight of 100 sacks to be 95.33 pounds.

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 of the package.

On September 27, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

8738. Adulteration and misbranding of tomatoes. U. S. * * * v. William P. Andrews (Andrews Packing Co.). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 12357. I. S. No. 15941-r.)

On October 7, 1920, 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 William P. Andrews, trading as the Andrews Packing Co., Salem, Md., alleging shipment from Linkwood, Md., by said defendant, in violation of the Food and Drugs Act, on or about October 7, 1919, from the State of Maryland into the State of Pennsylvania, of a quantity of tomatoes which were adulterated and misbranded. The article was labeled in part, "Asquith Brand Tomatoes * * * Packed by Andrews Packing Co., Salem, Md."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of added water.

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

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," borne on the labels attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomatoes, whereas, in truth and in fact, it consisted in part of added water.

On October 7, 1920, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

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

8739. Misbranding of olive oil. U. S. * * * v. Louis Puccinelli. Plea of guilty. Fine, \$100. (F. & D. No. 12362. I. S. No. 2947-r.)

On August 25, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis Puccinelli, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of California, on September 12, 1919, of a quantity of olive oil which was misbranded. The article was labeled in part, "Net One Gallon" (or "Net Half Gallon") "Pure Olive Oil L. Puccinelli * * *."