

8822. Misbranding of cottonseed meal. U. S. * * * v. Charles A. Alling (Forest City Oil Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 12333. I. S. No. 11987-r.)

On June 26, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles A. Alling, trading as the Forest City Oil Co., Forest City, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 13, 1919, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part, "Bee Brand Cotton Seed Meal * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39.46 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 41%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 41 per cent of protein, 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 contained not less than 41 per cent of protein, whereas, in truth and in fact, it contained less than 41 per cent of protein.

On October 5, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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

8823. Misbranding of cottonseed meal, cottonseed cake, and cottonseed screenings. U. S. * * * v. Phoenix Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 12338. I. S. Nos. 7500-r, 12044-r, 12045-r.)

On October 28, 1920, the United States attorney for the Eastern District of Arkansas, 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 Phoenix Cotton Oil Co., a corporation, Walnut Ridge, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 6, 1919, from the State of Arkansas into the State of Missouri, of a quantity of cottonseed meal, and, on or about March 7, 1919, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed cake and cottonseed screenings which were misbranded. The cottonseed meal was labeled in part, "Phoenix Cotton Seed Meal * * * Manufactured by Phoenix Cotton Oil Company, Walnut Ridge, Ark." The cottonseed cake was labeled in part, "Chic-Tex Quality Cotton Seed Meal or Cake." The cottonseed screenings were unlabeled.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cottonseed meal contained 37.2 per cent of protein and 12.8 per cent of crude fiber, and that the cottonseed cake contained 40.77 per cent of protein.

Misbranding of the cottonseed meal and cottonseed cake was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein Not less than 38.62 per cent. * * * Fiber not more than 12 per cent," and "Guaranteed Analysis Protein not less than 43 per cent," borne on the tags attached to the sacks containing the articles, regarding them and the ingredients and substances contained therein, were false and misleading in that they represented that the articles contained not less than 38.62 per

cent of protein and not more than 12 per cent of fiber, or not less than 43 per cent of protein, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained not less than 38.62 per cent of protein and not more than 12 per cent of fiber or not less than 43 per cent of protein, as the case might be, whereas, in truth and in fact, the articles did contain less than 38.62 per cent of protein and more than 12 per cent of fiber, or less than 43 per cent of protein, as the case might be, to wit, approximately 37.2 per cent of protein and approximately 12.8 per cent of fiber, or approximately 40.77 per cent of protein. Misbranding of the cottonseed screenings was alleged 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 November 22, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

8824. Misbranding of Texas Wonder. U. S. * * * v. 31 Bottles, 20 Bottles, 9 Bottles, and 31 Bottles of Texas Wonder (4 libels). Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 12159, 12876, 12877, 12878. I. S. Nos. 9830-r, 24703-r, 24704-r, 24715-r. S. Nos. C-1941, C-1962, C-1963, C-1964.)

On May 21, June 11, and June 14, 1920, 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 4 libels for the seizure and condemnation of 31, 20, 9, and 31 bottles of Texas Wonder, remaining unsold in the original unbroken packages at Evansville, Ind., Terre Haute, Ind., and Indianapolis, Ind., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about March 11, April 17, April 2, and April 10, 1920, and transported from the State of Missouri into the State of Indiana, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "A Remedy for Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in children;" (small circular, headed "Read Carefully") "In cases of gravel and rheumatic troubles, it should be taken every night in 25-drop doses until relieved."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the foregoing statements borne on the carton and in the circular, regarding the curative and therapeutic effects of the article, were false and fraudulent in that said article did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On July 17, 1920, no claimant having appeared for the property, default decrees of condemnation, forfeiture, and destruction were 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.*

8825. Adulteration and misbranding of cottonseed feed. U. S. * * * v. 300 Sacks of "Economy" Cottonseed Feed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 12701. I. S. No. 15522-r. S. No. E-2063.)

On May 27, 1920, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District