

containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said tablets each contained  $\frac{1}{100}$  grain of nitroglycerin, whereas, in truth and in fact, each of said tablets did not contain  $\frac{1}{100}$  grain of nitroglycerin, but did contain a less amount.

On December 21, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

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

**9211. Misbranding of Man's Capsules. U. S. \* \* \* v. 24 Boxes of Man's Capsules. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12428. I. S. No. 170-r. S. No. E-2086.)

On May 26, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 boxes of Man's Capsules, at Wilmington, N. C., alleging that the article had been shipped by the Man's Capsule Co., Washington, D. C., on or about April 9, 1920, and transported from the District of Columbia into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Pink box) " \* \* \* Man's Capsules A prompt and reliable remedy for Gonorrhoea and Gleet \* \* \*;" (blue box) " \* \* \* Prompt and reliable remedy for Gonorrhoea and Gleet \* \* \* For All Inflammations Of The Urinary Organs, Kidneys, Bladder, Etc.;" (circular inclosed in both boxes) "Take two capsules three (3) times a day, about two (2) hours after each meal, till cured \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the contents of the capsules consisted essentially of powdered cubebs and copaiba.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements were false and fraudulent, and were made for the purpose of deception and in reckless disregard of their truth or falsity so as to represent falsely to purchasers thereof that the article was fit for the purposes for which it was recommended, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effect claimed.

On December 17, 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.*

**9212. Adulteration and misbranding of butter. U. S. \* \* \* v. 180 Pounds of Butter. Judgment by consent ordering release of product under bond.** (F. & D. No. 12702. I. S. No. 349-r. S. No. E-2218.)

On May 26, 1920, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 180 pounds of butter, at Manchester, N. H., alleging that the article had been shipped by the South Peacham Co-Operative Creamery Co., Barnet, Vt., on or about May 4, 1920, and transported from the State of Vermont into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that an excessive amount of moisture had been mixed and packed with and substituted wholly or in part for butter, and for the further reason that a valuable constituent, to wit, milk fat, had been abstracted [in part] from said article.

Misbranding was alleged in substance for the reason that the article purported to be butter and was offered for sale as such, whereas it was an imitation thereof:

On June 26, 1920, the South Peacham Co-Operative Creamery Co. having entered an appearance as claimant for the product, and having executed a bond in the sum of \$300 and paid the costs of the proceedings, in conformity with section 10 of the act, judgment was entered providing for the release of the product to said claimant, conditioned in part that the article be so branded as to show compliance with the provisions of the act.

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

**9213. Adulteration and misbranding of tomatoes. U. S. \* \* \* v. Winfield Webster and Guy L. Webster (Winfield Webster and Co.). Pleas of nolo contendere. Fine, \$20 and costs. (F. & D. No. 12795. I. S. Nos. 7350-r, 15943-r.)**

On March 31, 1921, 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 Winfield Webster and Guy L. Webster, trading as Winfield Webster & Co., Vienna, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 4 and 5, 1919, respectively, from the State of Maryland into the States of Pennsylvania and Tennessee, respectively, of quantities of canned tomatoes which were adulterated and misbranded. The article was labeled in part: "Blue Dot Brand" (picture of tomato) "\* \* \* Packed by Winfield Webster & Co. Main Office: Vienna, Md."

Analyses of samples from both consignments of the article by the Bureau of Chemistry of this department showed the presence of added tomato pulp.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, tomato pulp, had been mixed and packed therewith so as to lower and 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 said 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, said article did not consist wholly of tomatoes, but did consist in part of tomato pulp.

On March 31, 1921, 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.*

**9214. Adulteration of shell eggs. U. S. \* \* \* v. Olof Hildre (Dahlen Mercantile Co.). Plea of guilty. Fine, \$25. (F. & D. No. 12798. I. S. No. 18786-r.)**

On August 8, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Olof Hildre, trading as the Dahlen Mercantile Co., Dahlen, N. D., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 31, 1919, from the State of North Dakota into the State of Minnesota, of a quantity of shell eggs which were adulterated.