

9321. Misbranding of cottonseed meal. U. S. * * * v. The Eikenberry-Fitzgerald Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12373. I. S. Nos. 10914-r, 10928-r.)

On September 15, 1920, the United States attorney for the Southern District of Ohio, 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 Eikenberry-Fitzgerald Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 2 and 3, 1919, respectively, from the State of Ohio into the State of Kentucky, of quantities of cottonseed meal which was misbranded. The article was labeled in part, “* * * Nutritia Cotton Seed Feed Made By The Eikenberry-Fitzgerald Co., Cincinnati, Ohio * * *.”

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

	Shipment of May 2.	Shipment of May 3.
Crude fiber (per cent).....	17.73	15.79
Nitrogen (per cent).....	5.14	5.57
Ammonia (per cent).....	6.24	6.77
Protein (per cent).....	32.10	34.80

Misbranding of the article was alleged in the information for the reason that the following statement, regarding the article and the ingredients and substances contained therein, appearing on the tags attached to the sacks containing the article, to wit, “Guaranteed Analysis Protein 36.00 Per Cent. * * * Fiber 14.00 Per Cent,” was false and misleading in that it represented 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 purchaser 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, said article contained less protein and more fiber than declared, to wit, approximately 34.80 and 32.10 per cent, respectively, of protein and 15.79 and 17.73 per cent, respectively, of fiber.

On April 2, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

9322. Misbranding of Wampole's Phosphorus, Nux and Damiana. U. S. * * * v. 9 Bottles and 2½ Dozen Bottles of Patent Medicine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13703, 13732. I. S. Nos. 9202-t, 9215-t. S. Nos. E-2752, E-2784)

On September 16 and 29, 1920, respectively, 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 libels for the seizure and condemnation of 9 bottles and 2½ dozen bottles of a drug known as Phosphorus, Nux and Damiana, consigned by the Henry S. Wampole Co., Baltimore, Md., remaining in the original unbroken packages at Raleigh and Wilmington, N. C., respectively, alleging that the article had been shipped on or about July 12 and June 14, 1920, respectively, and transported from the State of Maryland 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: (Carton and bottle) “* * * For an exhausted nervous system, Nervous weakness & Lost Vitality, Impotence, Insomnia, Hysteria, Nervous Depression and other Diseases of the Brain & Nerves Of Both Sexes * * * Renewing Strength, Restoring Lost Vitality and Increasing All The Physical Powers.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of damiana, nux vomica, and phosphorus.