

demnation of 17 cases of Concord grape juice, remaining unsold in the original unbroken packages at Yakima, Wash., alleging that the article had been shipped on or about February 25, 1920, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "California Concord * * * Unfermented Grape Juice Manufactured By G. Maselli * * * Distributors Uva Grape Products Co., Fresno, California."

Adulteration of the article was alleged in the libel for the reason that a juice of a grape other than Concord, containing an artificial flavor and added phosphoric acid, had been substituted wholly or in part for juice made from the Concord grape.

Misbranding was alleged in substance for the reason that the article was a juice of an inferior variety of grapes, fortified with artificial flavor and was an imitation of, and was offered for sale under the distinctive name of, another article and for the further reason that the statement on the bottles containing the said article, to wit, "Concord Grape Juice," was false and misleading and deceived and misled the purchaser when applied to a product consisting of a mixture of grape juice, artificial flavor, and added phosphoric acid.

On October 11, 1921, 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 sold by the United States marshal or distributed to charitable institutions.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10069. Misbranding of Nervosex tablets. U. S. * * * v. 4 Boxes * * * of Drug Products. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15165. Inv. No. 30885. S. No. C-3121.)

On July 19, 1921, 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 a libel for the seizure and condemnation of 4 boxes of drug products, at Groveton, Tex., alleging that the article had been shipped by the United Laboratories, St. Louis, Mo., on or about August 20, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Nervosex Tablets. A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained, essentially, extract of plant material, including nux vomica, and compounds of iron, calcium, zinc, and phosphorus.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted label appearing upon the box containing the said article, regarding the curative or therapeutic effects thereof, was false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 11, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10070. Misbranding of cottonseed meal and cake. U. S. * * * v. Dallas Oil & Refining Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 8570. I. S. Nos. 20347-m, 20348-m.)

On March 6, 1918, the United States attorney for the Northern 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 Dallas Oil & Refining Co., a corporation, Dallas, Tex., alleging shipment by said company, on or about February 28, 1917, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of quantities of cottonseed meal and cottonseed cake which were misbranded.

Analysis of a sample of the cottonseed cake by the Bureau of Chemistry of this department showed that it contained approximately 39.75 per cent of protein. Analysis of a sample of the cottonseed meal by said bureau showed that it contained approximately 38.57 per cent of protein and 13.97 per cent of crude fiber.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 43 per cent. * * * Crude Fibre 10 to 12 per cent," borne on the tags attached to the sacks containing the cottonseed meal, and the statement, "Guaranteed Analysis Protein 43 per cent," borne on the tags attached to the sacks containing the cottonseed cake, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles contained not less than 43 per cent of protein and that the cottonseed meal contained not more than 12 per cent of crude fiber, 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 43 per cent of protein and that the cottonseed meal contained not more than 12 per cent of crude fiber, whereas, in truth and in fact, the said articles did contain less than 43 per cent of protein, to wit, 38.57 and 39.75 per cent, respectively, and the said cottonseed meal did contain more than 12 per cent of crude fiber, to wit, 13.97 per cent. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10071. Misbranding of chocolate-covered cherries. U. S. * * * v. The Capen-Schaetzel Chocolate Co., a Corporation. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14513. I. S. No. 10237-t.)

On June 1, 1921, the United States attorney for the District of Colorado, 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 Capen-Schaetzel Chocolate Co., a corporation, Denver, Colo., alleging shipment by said company, on or about February 28, 1920, in violation of the Food and Drugs Act, as amended, from the State of Colorado into the State of Wyoming, of a quantity of chocolate-covered cherries which were misbranded.

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 July 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10072. Misbranding of peaches. U. S. * * * v. Thomas Hilton Peppers. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14515. I. S. No. 1963-t.)

On May 31, 1921, the United States attorney for the District of Colorado, 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 Hilton Peppers, Hotchkiss, Colo., alleging shipment by said defendant, on or about September 15, 1920, in violation of the Food and Drugs Act, as amended, from the State of Colorado into the State of Texas, of a quantity of peaches contained in unlabeled baskets, which were misbranded.

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 9, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10073. Adulteration and misbranding of egg noodles. U. S. * * * v. Masaichi Ishikawa (Denver Noodle Factory). Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14527. I. S. No. 10256-t.)

On May 31, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Masaichi Ishikawa, trading as the Denver Noodle Factory, Denver, Colo., alleging shipment by said defendant, on or about July 27, 1920, in violation of the Food and Drugs