

10115. Misbranding of hog cholera mixture. U. S. * * * v. 20 Bottles of * * * Wm. Hall's Hog Cholera Mixture. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9166. I. S. No. 12161-p. S. No. C-935.)

On July 24, 1918, 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 a libel for the seizure and condemnation of 20 bottles of Wm. Hall's hog cholera mixture, at Marianna, Ark., consigned by James F. Ballard, St. Louis, Mo., and received on or about June 14, 1918, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "Wm. Hall's Hog Cholera Mixture * * * Prepared by The Wm. Hall Medicine Co. James F. Ballard, Prop. St. Louis, Missouri * * *"; (carton) "Wm. Hall's Hog Cholera Mixture Is Recommended For Cholera * * * Directions. * * * For those that are not yet sick, but have been with infected hogs or in infected places, give the dose and treatment, described as a preventive, * * * This will tend to destroy the germ of the disease before it has a chance to develop."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of turpentine oil, sodium thiosulphate, sodium bicarbonate, calcium carbonate, tar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the bottle label and carton were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On October 2, 1919, 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.*

10116. Misbranding of Dr. Hebras blood, liver, and nerve tonic. U. S. * * * v. G. C. Bittner Co., a Corporation. Plea of nolo contendere. Fine, \$10. (F. & D. No. 9757. I. S. No. 6369-r.)

On May 5, 1919, the United States attorney for the Northern 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 G. C. Bittner Co., a corporation, Toledo, Ohio, alleging shipment by said company, on or about May 17, 1918, in violation of the Food and Drugs Act, as amended, from the State of Ohio into the State of Illinois, of a quantity of Dr. Hebras blood, liver, and nerve tonic which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of water, magnesium sulphate, a trace of salicylic acid, and a small amount of plant material.

Misbranding of the article was alleged in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the said article, falsely and fraudulently represented it to be effective as a treatment and preventive for nonchronic rheumatism, blood disorders, stomach trouble, liver and kidney complaints, sick headache, malaria, indigestion, dyspepsia, and skin diseases and as a blood, liver, and nerve tonic, when, in fact and in truth, it was not.

On October 9, 1919, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

10117. Misbranding of cottonseed feed. U. S. * * * v. Planters Oil Co. and Taylor Commission Co., Corporations. Pleas of guilty. Fines, \$300. (F. & D. No. 10595. I. S. Nos. 2882-p, 2884-p, 2895-p.)

On February 28, 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 Planters Oil Co., a corporation, Albany, Ga., and the Taylor Commission Co., a corporation, Atlanta, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 9, 14, and 21, 1918, respectively, from the State of Georgia into the State of North Carolina, of quantities of cottonseed feed which was misbranded. The article was labeled in part, "'Planco' Brand Cotton Seed Feed Manufactured by Planters Oil Co., Albany, Ga. * * *."

Analyses of samples from the various consignments of the article by the Bureau of Chemistry of this department showed the presence of 26.4 per cent, 26.7 per cent, and 26.1 per cent, respectively, of crude fiber. Examination of the said samples showed the presence of 56 per cent, 50 per cent, and 62 per cent, respectively, of what were apparently delinted ground cottonseed hulls.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Crude Fiber, (Max.) 22%" and "Made exclusively from High Grade Cotton Seed Meal and Bolted Hull Bran," 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 the said statements represented that the article contained not more than 22 per cent of crude fiber and that it was made exclusively from high grade cottonseed meal and bolted hull bran, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not more than 22 per cent of crude fiber and that it was made exclusively from high grade cottonseed meal and bolted hull bran, whereas, in truth and in fact, it did contain more than 22 per cent of crude fiber, and it was not made exclusively from high grade cottonseed meal and bolted hull bran but was a product containing ground cottonseed hulls.

On September 21, 1920, a plea of guilty to the information was entered on behalf of the Planters Oil Co., and the court imposed a fine of \$150. On October 20, 1921, a plea of guilty to the information was entered on behalf of the Taylor Commission Co., and the court imposed a fine of \$150.

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

10118. Misbranding of American hog remedy. U. S. * * * v. Chancy A. Jones, P. E. Prouse, George W. Hoffman, Jacob Clady, and Ralph W. Harris (The American Remedy Co.). Pleas of nolo contendere. Fine, \$25 and costs. (F. & D. No. 10776. I. S. No. 5916-r.)

On February 10, 1920, the United States attorney for the Northern 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 Chancy A. Jones, P. E. Prouse, George W. Hoffman, Jacob Clady, and Ralph W. Harris, trading as the American Remedy Co., Tiffin, Ohio, alleging shipment by said defendants, on or about December 13, 1917, in violation of the Food and Drugs Act, as amended, from the State of Ohio into the State of Kansas, of a quantity of American hog remedy which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of iron sulphate, magnesium sulphate, salt, charcoal, nux vomica, and ground vegetable material.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the packages containing the said article, falsely and fraudulently represented it to be effective as a preventive and as a treatment, remedy, and cure for hog cholera, swine plagues, and inflammatory and all contagious diseases peculiar to swine, when, in truth and in fact, it was not.

On March 26, 1920, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

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

10119. Misbranding of apple butter. U. S. * * * v. Emma E. Fishback (The Pure Food Mfg. Co.). Plea of guilty. Fine, \$10. (F. & D. No. 11955. I. S. No. 2706-r.)

On December 16, 1920, 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 Emma E. Fishback, trading as the Pure Food Mfg. Co., Denver, Colo., alleging that the said defendant had guaranteed as complying with the Food and Drugs Act a quantity of apple butter which was misbranded within the meaning of the said act, as amended, and that on or about January 14, 1919, the said article was shipped from the State of Colorado into the State of New Mexico, in violation of the said act. The article was labeled: (Cans) "Delicious Brand Fancy Apple Butter Packed by The Pure Food Manufacturing Co., Denver, Colo. Net Contents 12 Oz."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an apple product from which a portion of the water-soluble constituents of the fruit had been extracted.