

**10918. Adulteration and misbranding of potatoes. U. S. v. 19 Sacks of Potatoes. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16810. I. S. No. 2554-v. S. No. E-4178.)

On September 13, 1922, the United States attorney for the Eastern District of Pennsylvania, 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 19 sacks of potatoes remaining in the original unbroken packages at Philadelphia, Pa., consigned by Grover Bros., Hightstown, N. J., alleging that the article had been shipped from Hightstown, N. J., on or about September 2, 1922, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Grover Brothers, Hightstown, N. J., U. S. Grade No. 1."

Adulteration of the article was alleged in the libel for the reason that potatoes of a lower grade than that designated had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the sacks containing the article bore the following statement, "U. S. Grade No. 1 Potatoes," regarding the said article, which was false and misleading in that the said sacks did not in fact contain U. S. Grade No. 1 potatoes.

On October 2, 1922, 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.*

**10919. Adulteration and misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16813. S. No. E-4182.)

On September 18, 1922, the United States attorney for the Southern District of New York, 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 200 sacks of potatoes, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Reed & Perrine Tennent, N. J., alleging that the article had been shipped from Tennent, N. J., September 11, 1922, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "U. S. Grade No. 1."

Adulteration of the article was alleged in the libel for the reason that potatoes of lower grade than that designated had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "U. S. Grade No. 1" was false and misleading and deceived and misled the purchaser.

On September 29, 1922, Reed & Perrine, Tennent, N. J., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the said product be relabeled "Potatoes containing 25% serious defects—145 pounds," under the supervision of this department.

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

**10920. Misbranding of cottonseed meal and cottonseed cake. U. S. v. Alston Boyd (Washington Cotton Oil Co.). Plea of guilty. Fine, \$75.** (F. & D. No. 12801. I. S. Nos. 5950-r, 6951-r, 8195-r.)

On or about April 19, 1921, 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 Alston Boyd, trading as the Washington Cotton Oil Co., Dallas, Texas, alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about November 14, 1919, from the State of Texas into the State of Illinois, of a quantity of cottonseed meal labeled in part, "100 Lbs. (Net) Ordinary Cotton Seed Meal Manufactured by Washington Cotton Oil Co., Dallas, Texas," which was misbranded, and on or about November 29, 1918, from the State of Texas into the State of Kansas, of quantities of cottonseed cake and cottonseed meal in unlabeled sacks, invoiced as "43% C/S Cake" and "43% C/S Meal," which were misbranded.

An examination of 40 sacks of the cottonseed meal labeled "100 Lbs. Net" by the Bureau of Chemistry of this department showed an average net weight of 94.18 pounds.

Misbranding of the articles was alleged in the information for the reason that they were food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the packages.

On June 30, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

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

**10921. Misbranding of Dr. Martel's female pills. U. S. v. 75 Packages of Dr. Martel's Female Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13499. I. S. No. 12377-t. S. No. C-2335.)

On September 2, 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 a libel for the seizure and condemnation of 75 packages of Dr. Martel's female pills, remaining unsold in the original unbroken packages at Columbus, Ohio, consigned by the Royal Drug Co., Chicago, Ill., on or about July 2, 1919, alleging that the article had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained iron sulphate, iron carbonate, and savin oil.

Misbranding of the article was alleged in substance in the libel for the reason that certain representations appearing on the label of the box containing the article and in the accompanying circular, to wit, (box) "Female Pills \* \* \* for suppression of the menses, dysmenorrhea (painful menstruation) and similar functional derangements," (circular) "Female Pills \* \* \* For Disturbances of the Menstrual Functions \* \* \* for Amenorrhea (Suppression of the Menses) \* \* \* treatment \* \* \* should be continued until relief is obtained. For Dysmenorrhea (Painful or Scanty Menstruation) \* \* \* our medicine will be found to give lasting benefit and genuine relief. \* \* \* To prevent difficult, painful, over-profuse and other morbid menstrual conditions, and keep this important function normal, take \* \* \* for a few days before the expected reappearance of the menstrual flow," were false and fraudulent in that by reason of the said statements the said article purported to contain and be a cure for said diseases, disorders, and symptoms, whereas it contained little or no ingredients capable of producing the curative and therapeutic effect claimed.

On February 17, 1922, 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.*

**10922. Adulteration and misbranding of whole egg powder. U. S. v. Joe Lowe Co., a Corporation. Plea of guilty. Fine, \$50.** (F. & D. No. 14929. I. S. No. 10226-t.)

On October 3, 1921, the United States attorney for the Southern District of California, 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 Joe Lowe Co., a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 24, 1920, from the State of California into the State of Colorado, of a quantity of whole egg powder which was adulterated and misbranded. The article was invoiced as "Hygrade Whole Egg Powder" and was labeled in part: "\* \* \* W. E. From Joe Lowe & Co. \* \* \* Los Angeles, Cal. \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a commercial yolk containing approximately 83 per cent of actual yolk and 17 per cent of albumen or egg white.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, commercial egg yolk powder, had been substituted in whole or in part for whole egg powder, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, white of egg, had been wholly or in part abstracted.