

**11127. Adulteration and misbranding of flour. U. S. v. 81 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16685. I. S. No. 7720-v. S. No. W-1173.)

On July 29, 1922, the United States attorney for the Western District of Washington, 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 81 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Richardton Milling Co., Richardton, N. Dak., July 1, 1922, and transported from the State of North Dakota into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Richardton Milling Company, Incorporated Never Fails Fancy Flour Richardton, North Dakota 98 Lbs. Fancy Flour Never Fails."

Adulteration of the article was alleged in the libel for the reason that water 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, "98 Pounds," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about August 29, 1922, the J. A. Campbell Co., Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act.

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

**11128. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16885. I. S. No. 3941-v. S. No. C-3823.)

On or about October 7, 1922, the United States attorney for the Northern District of Illinois, 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 400 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by T. E. Russell, Lawson, Mo., June 17, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On October 11, 1922, M. P. Rutledge, Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be candled under the supervision of this department, the bad portion destroyed and the good portion released to the claimant.

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

**11129. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16903. I. S. No. 3940-v. S. No. C-3817.)

On September 26, 1922, the United States attorney for the Northern District of Illinois, 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 400 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by E. F. Younkin, from Grand Island, Nebr., May 23, 1922, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On November 27, 1922, the Thos. E. O'Neill Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

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

**11130. Misbranding of Texas Wonder. U. S. v. 3 Dozen Bottles of Hall's Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12917. I. S. No. 9172-r. S. No. C-1982.)**

On June 18, 1920, the United States attorney for the Western District of Louisiana, 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 3 dozen bottles of Hall's Texas Wonder, remaining in the original unbroken packages at Victoria, La., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., June 8, 1920, and transported from the State of Missouri into the State of Louisiana, 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 it consisted essentially of copaiba, gualiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the cartons enclosing the bottles containing the article and the accompanying circular bore the following statements, (carton) "A Remedy for Kidney and Bladder Troubles. Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children," (circular) "In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved," which said statements regarding the curative and therapeutic effect of the article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 22, 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.*

**11131. Misbranding of grapes. U. S. v. Cephus L. Brainard, Frank Brainard, and Forest Brainard (C. L. Brainard Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 14566. I. S. Nos. 5693-t, 17332-t.)**

On September 6, 1921, the United States attorney for the Western 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 an information against Cephus L. Brainard, Frank Brainard, and Forest Brainard, a partnership, trading as C. L. Brainard Co., Portland, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 29, 1919, from the State of New York into the District of Columbia and on or about October 12, 1920, from the State of New York into the State of Pennsylvania, of quantities of grapes which were misbranded. The product involved in the consignment into the District of Columbia was labeled in part: "Choice New York State Table Grapes Net Contents 4 Qts. \* \* \* Star Brand." The remaining consignment was shipped in unlabeled baskets.

Examination, by the Bureau of Chemistry of this department, of 3 baskets from the consignment into the District of Columbia showed an average of 3.09 quarts.

Misbranding of the product involved in the consignment into the District of Columbia was alleged in the information for the reason that the statement, to wit, "Net Contents 4 Qts." appearing on the label of the basket containing the said article, was false and misleading in that the said statement represented to the purchaser of the article that the said basket contained 4 quarts of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said basket contained