

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing in the labeling, to wit, "Contains 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser.

On November 13, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12035. Misbranding of Foley kidney pills. U. S. v. 9 Large Bottles and 11½ Dozen Small Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18056. I. S. Nos. 7248-v, 7249-v. S. No. C-4184.)

On November 14, 1923, the United States attorney for the Eastern 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 praying the seizure and condemnation of 9 large bottles and 11½ dozen small bottles of Foley kidney pills, at New Orleans, La., alleging that the article had been shipped by Foley & Co., Chicago, Ill., on or about October 6, 1923, and transported from the State of Illinois 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 the pills contained potassium nitrate, methylene blue, hexamethylene tetramine, and plant material, including resin and juniper oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effect of the said article, (bottle, carton, and circular) "Kidney Pills For Irritation [circular and carton, large size, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "kidneys \* \* \* weakened by disease \* \* \* inflamed and congested \* \* \*". In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely \* \* \*. 2nd—The bowels must be kept active. \* \* \*. 3rd—The diet is of great importance. \* \* \*. Satisfaction Guaranteed [the words, 'Satisfaction Guaranteed' were omitted from circular in small size]," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 26, 1923, 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. F. MARVIN, *Acting Secretary of Agriculture.*

**12036. Adulteration and misbranding of cottonseed meal. U. S. v. 54 Sacks of Alleged Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17873. I. S. No. 9003-v. S. No. E-4513.)

On October 26, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 54 sacks of alleged cottonseed meal, at Taunton, Mass., alleging that the article had been shipped by the Lancaster Cotton Oil Co., Lancaster, S. C., on or about July 20, 1923, and transported from the State of South Carolina into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Prime Cotton Seed Meal Guaranteed Analysis Not Less Than Protein, not less than (Equivalent to 8% ammonia) 41.00% \* \* \* Nitrogen, not less than 6.58% \* \* \* Made from Cotton Seed."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (ammonia-nitrogen) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole and in part for cottonseed meal, which the said article purported to be.

Misbranding was alleged in substance for the reason that the article was labeled, "Prime Cotton Seed Meal Guaranteed Analysis Not Less Than — Protein, not less than (Equivalent to 8% ammonia) 41.00% \* \* \* Nitrogen,

not less than 6.58%," which statements were false and misleading and deceived and misled the purchaser in that they represented to purchasers that the article was cottonseed meal containing not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and not less than 6.58 per cent of nitrogen, whereas, in truth and in fact, it was a product containing less than 41 per cent of protein, equivalent to less than 8 per cent of ammonia, and contained less than 6.58 per cent of nitrogen. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, cottonseed meal.

On December 17, 1923, 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. F. MARVIN, *Acting Secretary of Agriculture.*

**12037. Misbranding of assorted jellies. U. S. v. 38 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17459. I. S. Nos. 11363-v, 11364-v, 11365-v, 11366-v. S. No. C-3014)

On April 16, 1923, the United States attorney for the Western 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 praying the seizure and condemnation of 38 cases of assorted jellies, at El Paso, Tex., alleging that the articles had been shipped by the Blanke-Baer Extract & Preserving Co., from St. Louis, Mo., on or about November 17, 1922, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "Win-you Brand Pure Apple-Pineapple" (or "Apple-Raspberry" or "Apple" or "Apple-Strawberry") "Jelly \* \* \* Mfd. By Blanke-Baer Extract & Pres. Co. St. Louis."

Misbranding of the articles was alleged in substance in the libel for the reason that the statements on the labels that the said jars contained "Pure Apple-Pineapple Jelly," "Pure Apple-Raspberry Jelly," "Pure Apple Jelly," and "Pure Apple-Strawberry Jelly," as the case might be, were false and misleading and deceived and misled the purchaser for the reason that the jelly therein contained was not pure fruit jelly but contained pectin jelly that had been mixed and packed with and substituted wholly or in part for pure fruit jelly. Misbranding was alleged for the further reason that the articles were in imitation of and were offered for sale under the distinctive names of other articles. It was further alleged in the libel that the articles had been mixed and colored in a manner whereby damage or inferiority was concealed.

On October 2, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12038. Misbranding of tomatoes. U. S. v. Ocie V. Barger. Plea of guilty. Fine, \$10 and costs.** (F. & D. No. 16945. I. S. No. 3756-v.)

On December 23, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ocie V. Barger, Idlewild, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 15, 1922, from the State of Tennessee into the State of Illinois, of a quantity of tomatoes in crates 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 April 23, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12039. Misbranding of Fernet De Vecchi. U. S. v. 3 Cases of Fernet De Vecchi. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 17485, 17486. I. S. No. 4133-v. S. No. C-3973.)

On May 1, 1923, 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 praying the