

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the packages contained 1 pound net weight of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of the said article but did contain a less amount. Misbranding was alleged 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 April 9, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

**12408. Misbranding of tankage. U. S. v. Pan American Feed Milling Co., a Corporation. Plea of guilty. Fine, \$75. (F. & D. No. 17941. I. S. Nos. 3924-v, 5176-v, 10444-v.)**

On January 17, 1924, 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 Pan American Feed Milling Co., a corporation, trading at West Toledo, Ohio, alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about January 3 and December 30, 1922, respectively, from the State of Ohio into the State of Missouri; and on or about September 13, 1922, from the State of Ohio into the State of Iowa, of quantities of tankage which was misbranded. The September and December shipments were labeled in part: "Garbage Tankage PAF \* \* \* Guaranteed Analysis: Protein Not Less Than 18% \* \* \* Fibre Not More Than 7% Bone Phosphate About 14% \* \* \* Pan American Feed Milling Co. \* \* \* West Toledo, Ohio." The January shipment was labeled in part: "PAF Garbage Tankage Guaranteed Analysis \* \* \* Protein 21.0% \* \* \* Fibre 4.1% Bone Phosphates 13.0% \* \* \* Pan-American Feed Milling Co. West Toledo, Ohio."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each of the three consignments showed that the said samples contained approximately 17.33 per cent, 15.53 per cent, and 16.99 per cent, respectively, of protein; 8.68 per cent, 10.34 per cent, and 9.71 per cent, respectively, of crude fiber; and 5.50 per cent, 5.37 per cent, and 5.02 per cent, respectively, of calcium phosphate.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Guaranteed Analysis: Protein, Not Less Than 18% \* \* \* Fibre Not More Than 7% Bone Phosphate About 14%," borne on the sacks containing a portion of the article, and the statements, to wit, "Guaranteed Analysis \* \* \* Protein 21.0% Fibre 4.1% Bone Phosphates 13.0%," borne on the tags attached to the sacks containing the remainder thereof, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than the amounts of protein and bone phosphate, and not more than the amounts of fiber declared on the respective labels, and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than the amounts of protein and bone phosphate and not more than the amounts of fiber declared on the respective labels, whereas, in truth and in fact, the said article contained less protein and bone phosphate and more fiber than so declared.

On March 11, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

HOWARD M. GORE, *Secretary of Agriculture.*

**12409. Misbranding of butter. U. S. v. 340 Pounds, et al., of Butter. Decrees entered, finding product to be misbranded and ordering its release under bond to be reworked. (F. & D. Nos. 17716, 17717, 17720. I. S. Nos. 6925-v, 6926-v, 6930-v, 6931-v. S. Nos. C-4091, C-4092, C-4095.)**

On August 23, 1923, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District

Court of the United States for said district libels praying the seizure and condemnation of 698 pounds of butter remaining in the original packages at Wichita Falls, Tex., alleging that the article had been shipped by the Mount Scott Creamery Co. from Lawton, Okla., in part on or about August 1, 1923, and in part on or about August 3, 1923, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled variously: (Print) "Red Rose Butter One Pound Net Weight"; "Mount Scott Creamery Butter \* \* \* Net Weight 16 Ozs."; and "Brookfield Creamery Butter 1 Lb. Net Weight."

Misbranding of the article was alleged in the libels for the reason that the statements, "One Pound Net," or "Net Weight 16 Ozs.," as the case might be, borne on the labels of the respective lots, were false and misleading and deceived and misled purchasers. Misbranding was alleged 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 said packages.

On October 20, 1923, the Mount Scott Creamery Co., Lawton, Okla., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of the court were entered, finding the product to be misbranded, 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be reworked and that it be not sold in packages containing less than the weight labeled thereon.

HOWARD M. GORE, *Secretary of Agriculture.*

**12410. Misbranding of The Texas Wonder. U. S. v. 67 Packages of The Texas Wonder. Product destroyed. Decree entered ratifying destruction. (F. & D. No. 9552. I. S. No. 16131-r. S. No. E-1193.)**

On December 26, 1918, the United States attorney for the Southern District of Georgia, 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 67 packages of The Texas Wonder remaining unsold in the original packages at Augusta, Ga., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about November 30, 1918, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "The Texas Wonder! Hall's Great Discovery for Kidney and Bladder Trouble, Diabetes, Weak and Lame Backs, Rheumatism \* \* \* Gravel, Regulates Bladder Trouble in Children," (circular, testimonial of Louis A. Portner, St. Louis, Mo.) "Began using The Texas Wonder for stone in the kidneys, inflammation of the bladder and tuberculosis of the kidneys \* \* \* urine contained 40% pus. \* \* \* still using the medicine with wonderful results and his weight had increased."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the article consisted essentially of copaiba, guaiac 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 above-quoted statements appearing on the carton label and in the accompanying circular were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On June 3, 1924, the product having been theretofore destroyed by the United States marshal, a decree of the court ratifying said destruction was entered.

HOWARD M. GORE, *Secretary of Agriculture.*

**12411. Adulteration of canned salmon. U. S. v. 500 Cases and 500 Cases of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18136, 18137. I. S. No. 7381-v. S. No. C-4215.)**

On December 10, 1923, 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 libels praying the seizure and condemnation of 1,000 cases of salmon, in part at Martin, Tenn., and in part at Union City, Tenn., alleging that the article had been shipped by