

from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On August 19, 1924, the Harry H. Redfearn Co., Chicago, Ill., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$3,079.10. in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12538. Misbranding of Dr. DeWitt's Eclectic Cure. U. S. v. 6 Dozen Bottles of Dr. DeWitt's Electric [Eclectic] Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16475. S. No. E-3987.)

On June 27, 1922, the United States attorney for the Northern District of Florida, 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 6 dozen bottles of Dr. DeWitt's Electric [Eclectic] Cure remaining in the original unbroken packages at Panama City, Fla., alleging that the article had been shipped by the W. T. Parker Co., Baltimore, Md., on or about March 21, 1922, and transported from the State of Maryland into the State of Florida, 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 of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, 67 per cent of alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent in that no ingredients contained in the article were capable of producing the effects claimed, to wit: (Bottle label): "Cure * * * For Cramps, Colic and Diarrhoea * * * Indigestion * * * Horse Colic;" (carton) "Cure * * * for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * Cholera Morbus * * * Rheumatism and Pains generally * * * Sprains or Frosted Feet."

On December 11, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12539. Adulteration and misbranding of prepared mustard. U. S. v. 13 Barrels of Prepared Mustard. Decree of condemnation and forfeiture. Product released to claimant upon payment of costs. (F. & D. No. 18815. I. S. No. 16133-v. S. No. E-4877.)

On July 8, 1924, 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 praying the seizure and condemnation of 13 barrels of prepared mustard, consigned by A. Luedemann (Inc.), New York, N. Y., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from New York, N. Y., on or about January 24, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Prepared Mustard."

Adulteration of the article was alleged in the libel for the reason that a substance, mustard bran, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing in the label, "Prepared Mustard," was false and misleading and for the further reason that it was offered for sale under the distinctive name of another article.

On August 19, 1924, the Greenet Packing Co., Philadelphia, Pa., having appeared as claimant, and the property having been theretofore properly relabeled, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12540. Misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18817. I. S. No. 2365-v. S. No. E-4881.)

On July 9, 1924, 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 a libel praying the seizure and condemnation of 300 sacks of cottonseed meal remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Frederick Cotton Oil Mfg. Co., Frederick, Okla., alleging that the article had been shipped from Frederick, Okla., June 2, 1924, and transported from the State of Oklahoma into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "Weight 100 Pounds Net 'Chickasha Prime' Cottonseed Cake or Meal * * * Guaranteed Analysis: Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements, "100 Pounds Net," "Guaranteed Analysis: Protein not less than 43 per cent," were 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 July 29, 1924, the Chickasha Cotton Oil Co., Chickasha, Okla., having appeared as claimant and having 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 proceeding and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled as containing 39 per cent of protein, together with the correct weight.

HOWARD M. GORE, *Secretary of Agriculture.*

12541. Misbranding of olive oil. U. S. v. Lekas & Drivas, a Corporation. Plea of guilty. Fine, \$80. (F. & D. No. 16553. I. S. Nos. 5492-t, 10772-t, 11163-t, 11164-t.)

On November 11, 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 an information against Lekas & Drivas, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, from the State of New York, on or about May 14, 1921, into the State of Massachusetts, on or about May 16, 1921, into the State of Utah, and on or about July 13, 1921, into the State of Colorado, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Net Contents $\frac{1}{2}$ Gall." (or "Net Contents $\frac{1}{4}$ Gall.") "Pure Olive Oil * * * Lekas & Drivas New York U. S. A."

Examination by the Bureau of Chemistry of this department of samples taken from each of the consignments showed that the said cans contained less than the quantities declared on the respective labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents $\frac{1}{2}$ Gall." and "Net Contents $\frac{1}{4}$ Gall.," borne on the respective sized cans containing the article, were false and misleading in that the said statements represented that the cans contained $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon, net, of the article, as the case might be, 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 cans contained $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon, net, of the said article, as the case might be, whereas, in truth and in fact, the said cans did not contain the amounts declared on the respective labels, but did contain less amounts. Misbranding was alleged for the further reason that