

**13267. Adulteration and misbranding of cottonseed meal. U. S. v. Eastern Cotton Oil Co. Plea of guilty. Fine, \$20. (F. & D. No. 19323. I. S. No. 22261-v.)**

On or about February 20, 1925, the United States attorney for the Eastern District of North Carolina, 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 Eastern Cotton Oil Co., a corporation, Edenton, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about February 9, 1924, from the State of North Carolina into the State of Maryland, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: "Supreme Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Edenton, N. C. Guarantee Protein not less than 36.00% \* \* \* Fibre not more than 14.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 32.51 per cent of crude protein and 15.45 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed feed containing less than 36 per cent of protein and more than 14 per cent of fiber, had been substituted for cottonseed meal guaranteed to contain not less than 36 per cent of protein and not more than 14 per cent of fiber, which the said article purported to be.

Misbranding was alleged in the information for the reason that the statements, to wit, "Supreme Cotton Seed Meal \* \* \* Guarantee Protein not less than 36.00% \* \* \* Fibre not more than 14.00%," borne on the tags attached to the sacks containing the article, were false and misleading, in that they represented that the article was cottonseed meal containing not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal containing not less than 36 per cent of protein and not more than 14 per cent of fiber, whereas the said article was not cottonseed meal but was cottonseed feed, in that it contained less than 36 per cent of protein and more than 14 per cent of fiber.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13268. Misbranding and alleged adulteration of assorted jams. U. S. v. 423 Cases of Assorted Jams. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18902. I. S. Nos. 18489-v to 18500-v, incl. S. No. C-4439.)**

On August 8, 1924, the United States attorney for the Eastern District of Kentucky, 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 423 cases, each containing a certain number of jars, of assorted jams, at Lexington, Ky., alleging that the article had been shipped by the Best-Clymer Co., St. Louis, Mo., on or about May 25, 1924, and transported from the State of Missouri into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Tre-Vyn Brand Corn Syrup-Fruit Pectin Compound And Strawberry" (or other fruit) "With \* \* \* Phosphoric Acid Added \* \* \* The Best-Clymer Company, St. Louis, Mo.," (Case) "Tre-Vyn Brand Assorted Jam."

Adulteration of the article was alleged in substance in the libel for the reason that an imitation product had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article, and with respect to a portion of the product, in that an artificially-colored imitation product had been mixed and packed with and substituted wholly and in part for the said article in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement "Vyn Brand Assorted Jams" was false and misleading and was calculated to deceive the purchaser, since the product was an imitation containing but very little fruit. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 6, 1925, the Best-Clymer Co., St. Louis, Mo., having appeared as claimant for the property, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation and forfeiture, and

it was further ordered by the court that the product might 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 it be relabeled so that the word "Imitation" appear conspicuously on the labeling.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13269. Misbranding of DeWitt's eclectic cure and DeWitt's liver, blood and kidney remedy. U. S. v. 24 Bottles of DeWitt's Eclectic Cure and 26 Bottles of DeWitt's Liver, Blood & Kidney Remedy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 16543. S. No. E-4016.)**

On July 14, 1922, 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 libels praying the seizure and condemnation of 24 bottles of DeWitt's eclectic cure and 26 bottles of DeWitt's liver, blood & kidney remedy, at Axson, Ga., alleging that the articles had been shipped by the W. J. Parker Co., from Baltimore, Md., June 1, 1922, and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The DeWitt's eclectic cure was labeled in part: (Bottle) "Dr. DeWitts Eclectic Cure \* \* \* For Cramps, Colic and Diarrhoea \* \* \* Indigestion \* \* \* Horse Colic," (carton) "Cure \* \* \* for Indigestion, Diarrhoea, Cramps, Colic, Neuralgia, Headache, Toothache, Sore Throat, etc. \* \* \* Cholera \* \* \* Cholera Morbus \* \* \* Rheumatism and pains generally \* \* \* Sprains or Frosted Feet," (circular) "Cure \* \* \* For Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, sore throat, etc. Spasmodic attacks \* \* \* Swelling of the Stomach \* \* \* Sprains \* \* \* Horse Colic \* \* \* Chicken Cholera." The DeWitt's liver, blood & kidney remedy was labeled in part: (Bottle and circular) "Dr. DeWitts Liver, Blood And Kidney Remedy \* \* \* Recommended for Relief \* \* \* Diabetes, Inflammation of the Bladder, Malaria, General Debility, Pains Under Shoulder Blades, Back and Sides, And Diseases arising from Derangement of Kidneys and Liver," (carton same as above except no reference to diabetes, but the following additional words appeared) "Blood Purifier And For Kidney And Liver Diseases."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the liver, blood, and kidney remedy consisted essentially of magnesium sulphate, extracts of plant drugs, including senna and buchu, a trace of iodid, alcohol, and water, and that the eclectic cure consisted essentially of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, alcohol, and water.

Misbranding of the articles was alleged in the libels for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On April 10, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13270. Adulteration of fish. U. S. v. 34 Boxes of Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19888. I. S. No. 23991-v. S. No. C-4677.)**

On March 10, 1925, 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 seizure and condemnation of 34 boxes of fish, at Chicago, Ill., alleging that the article had been shipped by the Bay City Freezer, Inc., from Bay City, Mich., February 28, 1925, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

On April 10, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*