

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

On June 18, 1924, the Carlisle Packing Co., claimant, having admitted the allegations of the libel 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 proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the former destroyed.

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

13395. Adulteration and misbranding of feed. U. S. v. Charles D. Fretwell and Ben D. Russell (Spartan Grain & Mill Co.). Plea of nolo contendere. Fine, \$100. (F. & D. No. 19279. I. S. Nos. 16592-v, 16593-v, 16594-v.)

On February 17, 1925, the United States attorney for the Western District of South 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 Charles D. Fretwell and Ben D. Russell, copartners, trading as the Spartan Grain & Mill Co., Spartanburg, S. C., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about April 15, 1924, from the State of South Carolina into the State of North Carolina, of quantities of feed which was adulterated and misbranded. The article was labeled, variously, in part: "100 Lbs. Net When Packed Sweet Pasture Stock Feed Manufactured by Spartan Grain & Mill Co. Spartanburg, S. C. * * * Ingredients—Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-Products, (Oat Middlings, Oat Shorts and Oat Hulls) and Molasses"; "100 Lbs. Net When Packed Carnation Horse Feed Manufactured by Spartan Grain & Mill Co. Spartanburg, S. C. Guaranteed Average Analysis: Protein 10.00% * * * Ingredients—Corn, Oats, Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-products, (Oat Middlings, Oat Shorts and Oat Hulls) and Molasses"; and "Spartan Grains Dairy Feed Sweet Manufactured By Spartan Grain and Mill Co. Spartanburg, S. C. * * * 100 Pounds Net 24% Protein."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that: The Sweet Pasture stock feed contained ground oat hulls, wheat, and barley, which were not declared on the label, and did not contain oat meal, alfalfa meal, and mill by-products (oat middlings, oat shorts, and oat hulls), which were declared, and the average net weight of 10 sacks was 98.41 pounds; the Carnation horse feed contained 8.62 per cent of protein and oat hulls and mill screenings, which were not declared on the label, and did not contain oats, oat meal, alfalfa meal, and mill by-products (oat middlings, oat shorts, and oat hulls), which were declared, and the average net weight of 20 sacks was 99.19 pounds; the Spartan dairy feed contained 22.09 per cent of protein, and the average net weight of 10 sacks was 99.53 pounds.

Adulteration of the Sweet Pasture stock feed was alleged in substance in the information for the reason that a substance devoid of certain ingredients declared on the label and containing certain ingredients not declared on the said label had been substituted in part for the article. Adulteration of the Carnation horse feed was alleged for the reason that a substance deficient in protein and containing undeclared ingredients, to wit, ground oat hulls and mill screenings, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted for the said article. Adulteration of the Spartan dairy feed was alleged for the reason that a substance deficient in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted for the article.

Misbranding of all three brands of the article was alleged for the reason that the statement, to wit, "100 Lbs. Net," borne on the tags attached to the sacks containing the said article, was false and misleading, in that it represented that the sacks each contained 100 pounds net 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 the said sacks each contained 100 pounds net of the article, whereas the said sacks did not contain 100 pounds net of the said article but did contain less amounts. Misbranding of all three brands of the article was alleged for the further 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, since the packages contained less than the quantity stated.

Misbranding was alleged in substance with respect to the Carnation horse feed and the Spartan dairy feed for the further reason that the statements, to wit, "Guaranteed Average Analysis: Protein 10.00%," with respect to the former, and "24% Protein," with respect to the latter, borne on the labels, were false and misleading, in that the said statements represented that the article contained 10 per cent of protein or 24 per cent of protein, 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 it contained 10 per cent of protein or 24 per cent of protein, as the case might be, whereas the said article contained less protein than declared on the labels. Misbranding was alleged in substance with respect to the Sweet Pasture stock feed and the Carnation horse feed for the reason that the statements, to wit, "Ingredients—Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-Products, (Oat Middlings, Oat Shorts, and Oat Hulls) and Molasses," with respect to the former, and "Carnation Horse Feed * * * Ingredients—Corn, Oats, Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-Products, (Oat Middlings, Oat Shorts, and Oat Hulls) and Molasses," with respect to the latter, borne on the labels, were false and misleading, in that the said statements represented that the articles consisted of the ingredients declared in the said statements, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of the ingredients declared in the said statements, whereas it did not contain certain ingredients declared and did contain certain ingredients not declared.

On March 10, 1925, a plea of nolo contendere to the information was entered, and the court imposed a fine of \$100.

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

13396. Adulteration and misbranding of quinine bisulphate tablets and strychnine sulphate tablets, and adulteration of fluid-extract of nux vomica, tincture of cinchona, tincture of cinchona compound, tincture of colchicum seed, and tincture of belladonna leaves. U. S. v. Charles Berthel (C. Berthel & Co.). Plea of guilty. Fine, \$275. (F. & D. No. 19611. I. S. Nos. 12847-v, 13961-v to 13965-v, incl. 16027-v, 16030-v.)

On May 4, 1925, 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 Charles Berthel, trading as C. Berthel & Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, from the State of New York into the State of New Jersey, on or about February 12, 1924, of quantities of fluid extract of nux vomica, tincture of cinchona, tincture of cinchona compound, tincture of colchicum seed, and tincture of belladonna leaves which were adulterated, and on or about March 28 and April 2, 1924, respectively, of quantities of quinine bisulphate tablets and strychnine sulphate tablets which were adulterated and misbranded. The articles were labeled, variously, in part: "Quinine Bisulphate 1 gr. * * * C. Berthel & Co., Inc. * * * New York City"; "Tablets Strychnine Sulphate 1/30"; "Fluid Extract Nux Vomica"; "Tincture Cinchona"; "Tincture Cinchona Comp."; "Tincture Colchicum Seed"; and "Tincture Belladonna Leaves."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the two lots of quinine bisulphate tablets examined, labeled "1 gr.," averaged not more than 0.769 grain and 0.776 grain of quinine bisulphate, respectively, to each tablet; the strychnine sulphate tablets examined, labeled "1/30," averaged not more than 0.0163 grain of strychnine sulphate to each tablet; the fluid extract of nux vomica examined contained not more than 0.422 gram of the alkaloids of nux vomica per 100 mls; the tincture of cinchona examined contained not more than 0.171 gram of the alkaloids of cinchona per 100 mls; the tincture of cinchona compound examined contained not more than 0.278 gram of the alkaloids of cinchona per 100 mls; the tincture of colchicum seed examined contained not less than 0.0612 gram of colchicine per 100 mls; the tincture of belladonna leaves examined contained not more than 0.0098 gram of the alkaloids of belladonna leaves per 100 mls.

Adulteration of the quinine bisulphate tablets and the strychnine sulphate tablets was alleged in the information for the reason that their strength and