

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

purity fell below the professed standard and quality under which they were sold. Adulteration of the remaining articles was alleged for the reason that they were sold under and by names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopœia, official at the time of investigation, in that the fluid extract of nux vomica yielded not more than 0.422 gram of the alkaloids of nux vomica per 100 mls, whereas the pharmacopœia provided that it should yield not less than 2.37 grams of the alkaloids of nux vomica per 100 mls; the tincture of cinchona yielded less than 0.8 gram of the alkaloids of cinchona per 100 mls, whereas the pharmacopœia provided that it should yield not less than 0.8 gram of the alkaloids of cinchona per 100 mls; the tincture of cinchona compound yielded less than 0.4 gram of the alkaloids of cinchona per 100 mls, whereas the pharmacopœia provided that it should yield not less than 0.4 gram of the alkaloids of cinchona per 100 mls; the tincture of colchicum seed yielded more than 0.044 gram of colchicine per 100 mls, whereas the pharmacopœia provided that it should yield not more than 0.044 gram of colchicine per 100 mls; and the tincture of belladonna leaves yielded less than 0.027 gram of the alkaloids of belladonna leaves per 100 mls, whereas the pharmacopœia provided that it should yield not less than 0.027 gram of the alkaloids of belladonna leaves per 100 mls, and the standard of strength, quality, and purity of the said articles was not declared on the containers thereof.

Misbranding of the said quinine bisulphate tablets and the strychnine sulphate tablets was alleged for the reason that the statements "Tab. Quinine Bisulphate 1 gr.," "Tablets Quinine Bisulphate 1 gr.," and "Tablets Strychnine Sulphate 1/30," as the case might be, borne on the respective labels, were false and misleading, in that each of said tablets was represented to contain the amount of the article declared on the label thereof, whereas the said tablets did not contain the amounts declared on the respective labels but did contain less amounts.

On May 11, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$275.

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

**113397. Adulteration and misbranding of vanilla extract. U. S. v. Thomas P. Morrow and George C. Morrow (Morrow & Co.). Pleas of guilty. Fine, \$145.** (F. & D. No. 19616. I. S. Nos. 13170-v, 13292-v, 13293-v, 13296-v, 13992-v, 16856-v, 16931-v, 16932-v, 16933-v, 16880-v, 18299-v, 18300-v, 17067-v.)

On May 11, 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 Thomas P. Morrow and George C. Morrow, copartners, trading as Morrow & Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, between the dates of April 26, 1924, and October 6, 1924, from the State of New York into the States of Virginia, Connecticut, New Jersey, Massachusetts, and Ohio, respectively, of quantities of vanilla extract which was adulterated and misbranded. The article was labeled in part, variously: "Pure Vanilla Extract"; "Morrow's Pure Extract Vanilla \* \* \* Prepared By Morrow & Company New York"; "Pure Extract Vanilla \* \* \* Vanilla 1½ Fluid Ounces"; "Pure Vanilla Extract \* \* \* 2 Fluid Ounces"; "Pure Extract Vanilla"; "Strictly Pure Extracts Vanilla."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said articles were diluted vanilla extract fortified with vanillin and colored with caramel, with the exception of one sample, which was not so colored. Four samples from each of the two consignments of the product labeled "1½ Fluid Ounces" and "2 Fluid Ounces," averaged 1.41 fluid ounces and 1.84 fluid ounces, respectively. One consignment bore no statement of the quantity of the contents.

Adulteration of the article was alleged in the information for the reason that a diluted vanilla extract fortified with vanillin, and, with the exception of one shipment, also colored with caramel, had been substituted for the said article.

Misbranding was alleged in substance for the reason that the statements, to wit, "Pure Vanilla Extract," "Pure Extract Vanilla," and "Strictly Pure Extracts Vanilla," as the case might be, and the further statements, "1½ Fluid Ounces" and "2 Fluid Ounces," with respect to two consignments of the