

Misbranding of the article was alleged in the informations for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the said article, and the statement "1 Lb. Net Weight," borne on the packages containing the portion of the product consigned February 9, 1924, into Alabama, were false and misleading, in that the said statements represented that the article consisted wholly of butter, and that the packages contained 1 pound net of butter, 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 wholly of butter and that the packages contained 1 pound net of butter, whereas the article did not consist wholly of butter but did consist of a product deficient in milk fat and containing an excessive amount of moisture, and each of the packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the statement "Butter," borne on the labels, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On May 29, 1925, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of \$200, together with the costs of the proceedings.

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

**13410. Adulteration of shell eggs. U. S. v. James H. Bray (J. H. Bray). Plea of guilty. Fine, \$25. (F. & D. No. 19356. I. S. No. 19836-v.)**

On February 21, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James H. Bray, trading as J. H. Bray, Clinchport, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 21, 1924, from the State of Virginia into the State of West Virginia, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From J. H. Bray, Clinchport, Va."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 65 eggs, or 6 per cent of those examined, were inedible eggs, consisting of black rots, advanced mixed rots, moldy eggs, heavy spot rots, and heavy blood rings.

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

On May 4, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

**13411. Adulteration of acetphenetidin tablets, strychnine sulphate tablets, acetyl salicylic acid tablets, morphine sulphate tablets, codeine sulphate tablets, heroin hydrochloride tablets, and quinine sulphate tablets. U. S. v. Jopp's Drug Co. (Inc.). Plea of guilty. Fine, \$1,300. (F. & D. No. 18990. I. S. Nos. 559-v, 561-v, 2392-v, 2812-v, 2814-v, 2815-v, 2962-v, 12842-v, 15270-v, 15306-v, 15309-v, 15312-v, 15313-v.)**

At the November, 1924, term of the United States District Court, within and for the Western District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Jopp's Drug Co. (Inc.), a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 4 and 28, 1923, and March 12 and 20, 1924, respectively, from the State of New York into the State of New Jersey, of quantities of acetphenetidin tablets, strychnine sulphate tablets, morphine sulphate tablets, codeine sulphate tablets, and heroin hydrochloride tablets, respectively, on or about January 16, 1924, from the State of New York into the State of Pennsylvania, of a quantity of acetyl salicylic acid tablets, on or about November 19 and 26, 1923, respectively, from the State of New York into the State of Massachusetts, of quantities of acetyl salicylic acid tablets, quinine sulphate tablets, morphine sulphate tablets, and heroin hydrochloride tablets, respectively, which were adulterated. The articles were labeled, variously, in part: "Tablets Acetphenetidin 5 gr."; "Tablets Strychnia Sulph. 1-40 gr."; "Tablets Acetyl Salicylic Acid 5 Grain";

"Tablets Morphia Sulphate 1-8 gr."; "Tablets Strychnine Sulphate 1-40 gr."; "Tablets Codeine Sulphate  $\frac{1}{4}$  gr."; "Tablets Heroin Hyd. 1-12 gr."; "Tablets Quinine Sulphate 2 Grain"; "Tablets \* \* \* Morphia Sulphate  $\frac{1}{2}$  gr.," and "Tablets Heroin Hydroch. 1-12 gr." The respective labels bore the further statements "Jopp Drug Co." (or "Jopp Drug Co. Inc.") "Buffalo, N. Y."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The acetphenetidin tablets examined, labeled "5 gr.," averaged not more than 4.34 grains of acetphenetidin to each tablet; the three samples of heroin hydrochloride tablets examined, labeled "1-12 gr.," averaged 0.0542 grain, 0.0596 grain, and 0.0473 grain, respectively, of heroin hydrochloride to each tablet; the two samples of strychnine sulphate tablets examined, labeled "1-40 gr.," averaged not more than 0.0217 grain and 0.021 grain, respectively, of strychnine sulphate to each tablet; the two samples of morphine sulphate tablets examined, labeled "1-8 gr." and " $\frac{1}{2}$  gr.," respectively, averaged approximately 0.144 grain and 0.557 grain, respectively, of morphine sulphate to each tablet; the codeine sulphate tablets examined, labeled " $\frac{1}{4}$  gr.," averaged not more than 0.223 grain of codeine sulphate to each tablet; the quinine sulphate tablets examined, labeled "2 Grain," averaged not more than 1.6 grains of quinine sulphate to each tablet; the three samples of acetyl salicylic acid tablets examined, labeled "5 Grain," averaged not more than 3.95 grains, 3.274 grains, and 4 grains, respectively, of acetyl salicylic acid to each tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain the amount of the product declared on the label thereof, whereas the said tablets, with the exception of the alleged  $\frac{1}{2}$  grain morphine sulphate tablets, contained less of the respective products than declared on the labels, and the alleged  $\frac{1}{2}$  grain morphine sulphate tablets contained more morphine sulphate than declared on the label thereof.

On May 19, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1,300.

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

**13412. Adulteration of butter. U. S. v. 36 Cubes of Butter. Decree entered, adjudging product adulterated and ordering its release under bond.** (F. & D. No. 19055. I. S. No. 12291-v. S. No. W-1538.)

On August 2, 1924, the United States attorney for the District of Utah, 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 36 cubes of butter, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the L. J. Durrant Co., from Grace, Idaho, on or about July 16, 1924, and transported from the State of Idaho into the State of Utah, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that water had been substituted in part for butterfat, so as to reduce and lower and injuriously affect the quality and strength of the said article, and in that it contained less than 80 per cent of butterfat.

On November 26, 1924, the product having been theretofore released under bond to the claimant, L. J. Durrant & Co., Provo, to be reprocessed under the supervision of this department, judgment of the court was entered, finding the product adulterated and ordering that it be released from the operation of the libel.

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

**13413. Adulteration of canned sardines. U. S. v. 300 Cases, et al., of Sardines. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 19137, 19139, 19140, 19141, 19142, 19145, 19146, 19208, 19225. I. S. Nos. 19974-v, 22656-v, 22664-v. S. Nos. C-4523, C-4524, C-4550.)

On or about November 15, 17, and 28, and December 6, 1924, respectively, the United States attorney for the Southern District of Mississippi, 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 2,450 cases of sardines, remaining in the original unbroken packages in various lots at Jackson, Yazoo City, Crystal Springs, Forest, and Hazlehurst, Miss., respectively, alleging that the article had been shipped by the Holmes Co., in