

13762. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18926. I. S. No. 2387-v. S. No. E-4927.)

On August 24, 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 500 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped from Blue Island, Ill., August 1, 1924, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chickasha Cotton Oil Co. Manufacturers Of Cotton Seed Products * * * 'Chickasha Prime' Cottonseed Cake or Meal (Composed of Cotton Seed only) Guaranteed Analysis: Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis: Protein not less than 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On or about September 20, 1924, the Chickasha Cotton Oil Co., Chickasha, Okla., having appeared as claimant for the property 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 \$250, in conformity with section 10 of the act, said decree providing further that if the product be relabeled so as to be sold the sacks be relabeled as containing 41 per cent of protein.

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

13763. Misbranding and alleged adulteration of canned oysters. U. S. v. 24 Cases of Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17475. I. S. No. 2117-v. S. No. E-4369.)

On April 24, 1923, 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 24 cases, each containing 48 cans of oysters, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the St. Michaels Packing Co., St. Michaels, Md., March 16, 1923, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Sure-Go Brand Cove Oysters Packed By The St. Michaels Packing Co. St. Michaels, Md. Contents Weigh 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for oysters.

Misbranding was alleged for the reason that the statement "Cove Oysters * * * Contents Weigh 5 Oz." together with a design showing an oyster on half shell, borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1923, the St. Michaels Packing Co., St. Michaels, Md., having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, said bond providing that the product not be disposed of contrary to law, and that if relabeled such relabeling be done under the supervision of this department.

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

13764. Misbranding of Euca-Mul. U. S. v. 5 Gross Bottles of Euca-Mul. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14161. I. S. No. 10413-t. S. No. W-830.)

On January 20, 1921, the United States attorney for the District of Arizona, 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 condemna-

tion of 5 gross bottles of Euca-Mul, remaining in the original packages at Phoenix, Ariz., alleging that the article had been shipped by Edward G. Binz [Edward G. Binz Co.], Los Angeles, Calif., on or about August 16, 1920, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the bottles and cartons containing the said article, and the accompanying circular, bore the following statements: (Bottle and carton) "Gives immediate Relief in * * * Asthma Croup, Pneumonia Whooping Cough, Consumption and any Lung or Throat Trouble * * * excellent for all Chronic Throat and Lung troubles. * * * It builds up resisting power in patient, controls the cough," (circular) "Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough * * * For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect in the disease, regardless of the cough * * * Asthma This disease should be treated with Euca-Mul * * * Croup * * * Euca-Mul will be appreciated in this disease. * * * The persistent use of Euca-Mul brings the best results," which statements were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects so claimed.

On April 17, 1923, 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.

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

13765. Adulteration and misbranding of prepared mustard. U. S. v. 65 Cartons of Prepared Mustard. Product relabeled and released under bond. (F. & D. No. 19419. I. S. No. 21008-v. S. No. W-931.)

On December 27, 1924, the United States attorney for the Western District of Washington, 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 65 cartons of prepared mustard, at Tacoma, Wash., alleging that the article had been shipped by A. Luedemann, Inc., from New York, N. Y., arriving at Tacoma, Wash., about December 15, 1924, and transported from the State of New York into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Düsseldorf Brand Prepared Mustard * * * A. Luedemann, Inc. New York."

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

Misbranding was alleged for the reason that the statement "Prepared Mustard," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On August 1, 1925, the Tacoma Grocery Co., Tacoma, Wash., claimant, having paid the costs of the proceedings and having properly labeled the product and executed a good and sufficient bond, conditioned that the product not be sold or otherwise disposed of contrary to law, a decree of the court was entered, ordering that the product be delivered and released to the said claimant.

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

13766. Adulteration and misbranding of evaporated apples. U. S. v. 42 Boxes of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19901. I. S. No. 12681-v. S. No. E-5180.)

On March 18, 1925, the United States attorney for the District of Maryland, 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