

**13871. Adulteration of butter. U. S. v. 28 Cubes of Butter. Product adjudged adulterated and released under bond. (F. & D. No. 20368. I. S. No. 23-x. S. No. W-1761.)**

On or about July 30, 1925, the United States attorney for the Southern District of California, 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 28 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Jerome Cooperative Creamery, Jerome, Idaho, on or about July 9, 1925, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From J. C. C. Jerome, Idaho."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been partially abstracted therefrom.

On or about August 25, 1925, the Jerome Cooperative Creamery Co., Jerome, Idaho, having appeared as claimant for the property, judgment of the court was entered, finding the product adulterated and ordering that it be released to the said claimant upon payment of the costs of the proceedings and that the bond theretofore executed be exonerated.

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

**13872. Adulteration of butter. U. S. v. 150 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20452, 20496, 20497, 20498. I. S. Nos. 1922-x, 1924-x, 1925-x, 1926-x. S. Nos. C-4818, C-4825, C-4828, C-4832.)**

On or about September 3, 1925, and on September 24, 1925, respectively, the United States attorney for the Southern District of Ohio, 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 973 tubs of butter, remaining unsold in the original packages at Columbus, Ohio, consigned by the Lakeville Creamery Co., Lakeville, Minn., on or about the respective dates of July 10, 18, and 27 and August 5, 1925, alleging that the article had been shipped from Lakeville, Minn., and transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat. Adulteration was alleged with respect to 691 tubs of the product for the further reason that a product deficient in milk fat had been substituted for butter, which the article purported to be.

On September 19 and October 6, 1925, respectively, the Lakeville Creamery Co., Lakeville, Minn., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it be reworked in a manner satisfactory to this department.

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

**13873. Misbranding of Kopp's. U. S. v. 17 Dozen Bottles, et al., of Kopp's. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20484 to 20489, incl. S. Nos. E-5497 to E-5501, incl.)**

On October 9, 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 libels praying the seizure and condemnation of 145 dozen ½-ounce bottles, 85½ dozen 1½-ounce bottles, and 35¼ dozen 4-ounce bottles of Kopp's, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Kopp's Baby's Friend Co., from York, Pa., between the dates of January 29, 1925, and September 30, 1925, and transported from the State of Pennsylvania into the State of Maryland, 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 essentially of morphine sulphate, alcohol, sugar, water, and flavoring and coloring materials.

Misbranding of the article was alleged in the libels for the reason that the following statements regarding the curative and therapeutic effects of the article, borne on the labeling of all the said article: (Circular, English) "Teething. This is usually a trying and critical experience in baby's career. The swollen and congested gums are very painful, and if this pain continues it causes extreme nervousness, the child becomes restless and fretful, there is indigestion which causes either diarrhoea or constipation, vomiting, in many cases, high fever and sometimes convulsions. A Teething baby is a Nervous Baby and is more likely to contract Colds, Diarrhoea, Cholera infantum, Whooping Cough, and other baby ailments, and is less able to withstand them. In fact, many a case of illness in an infant that in itself could be controlled, when complicated with Teething, becomes a very grave affair. It is therefore very important that teething be made as painless as possible," (French) "During dentition use this remedy regularly morning and evening," (German) "In the coming of the teeth it should be taken regularly morning and evening," (Spanish) "During dentition it should be used regularly night and morning," (Italian) "During dentition it is to be given to the little ones morning and evening regularly," (bottle) "Kopp's Alcohol About 8¼ Per Cent Sulphate Of Morphine ⅛ Grain Per Ounce Besides Other Medicinal Ingredients Made By The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," (carton, which is that portion of labeling first seen by purchaser) "Kopp's Alcohol about 8½ Per Cent. Sulphate Of Morphine ⅛ Grain Per Ounce Besides Other Medicinal Ingredients The Kopp's Baby's Friend Co. Kopp's The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp, Kopp's Made by The Kopp's Baby's Friend Co.," together with the statements borne on a white folder accompanying a portion of the article: "Kopp's Remedies for Babies and Children. Kopp's Baby's Friend 20¢, 40¢, 75¢. Used by thousands of mothers in all parts of the world for Colic, Diarrhoea and Teething," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 18, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**13874. Adulteration and misbranding of colors. U. S. v. 23 Packages, et al., of Colors. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19044. I. S. Nos. 16916-v, 16917-v, 16918-v. S. No. E-4959.)

On October 7, 1924, the United States attorney for the District of Massachusetts, 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 81 packages of colors, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the H. Kohnstamm Co., from New York, N. Y., July 17, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The bottles containing the article were labeled in part: "Atlas Colors \* \* \* Brilliant Yellow Shade Coal Tar Color" (or "New Atlas Paste Colors Yellow" or "New Atlas Paste Colors Brilliant Yellow Shade" or "Special Deep Brilliant Green Shade") "We Guarantee The Contents Of This Package To Contain No Coal Tar Colors Except Our Certified Colors." The cartons containing the said bottles were labeled in part: "H. Kohnstamm & Co, Inc. New York Chicago."

Adulteration of the article was alleged in the libel for the reason that a substance, sugar and glycerin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for certified color, which the said article purported to be.

Misbranding was alleged for the reason that the statements appearing in the labeling, "We Guarantee The Contents Of This Package To Contain No Coal Tar Colors Except Our Certified Colors," "Atlas Colors Brilliant Yellow," "Brilliant Yellow Shade Coal Tar Color," "5662 New Atlas Paste Colors Yellow" (or "Lot No. 5533"), "Special Deep Green 5634," and "Special Deep Brilliant Green Shade," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further