

alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about July 11 and 15, 1924, respectively, from the State of Illinois into the State of Missouri, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "The Clover Blossom Brand" (or "Country Maid Highest Quality") "Fancy Creamery Butter \* \* \* Johnson Creamery Co. Stewardson Illinois." The remainder of the said article was labeled in part, "Pure Butter."

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product containing 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 as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "Pure Butter," borne on the respective labels, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter, or pure butter, 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 consisted wholly of creamery butter, or pure butter, as the case might be, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the label, was false and misleading, in that the statement 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 law, whereas it contained less than 80 per cent by weight of milk fat.

On May 19, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

**14488. Misbranding of butter. U. S. v. 147 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20245. I. S. No. 24800-v. S. No. C-4766.)

On June 23, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 147 pounds of butter, remaining in the original packages at Dallas, Tex., consigned by the Climax Creamery Co., Shawnee, Okla., alleging that the article had been shipped from Shawnee, Okla., on or about June 16, 1925, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "American Beauty Butter \* \* \* Manufactured By The Climax Creamery Co. Shawnee, Okla. One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser, and 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, in that the product was short weight.

On May 10, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**14489. Misbranding of olive oil. U. S. v. 28 Gallon Cans and 13 Half-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20921. I. S. No. 10489-x. S. No. W-1907.)

On or about March 11, 1926, 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 seizure and condemnation of 28 gallon cans and 13 half-gallon cans of olive oil, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by A. Giurlani & Bro., from San Francisco, Calif., in various consignments, June 28, 1924, January 23, March 21, and October 16, 1925, respectively, and transported from the State of California

into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "R. C. Brand Imported Olive Oil Net Contents One Gallon" (or "Net Contents One Half Gallon").

Misbranding was alleged for the reason that the statements "Net Contents One Gallon," "Net Contents One Half Gallon," borne on the labels, were false and misleading and deceived and misled the purchaser, and 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.

On April 20, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**14490. Misbranding of Mecca compound. U. S. v. 9 Dozen Packages, et al., of Mecca Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20876. I. S. No. 10484-x. S. No. W-1663.)**

On February 27, 1926, 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 seizure and condemnation of 9 dozen two-ounce packages, 5 dozen six-ounce packages, 5 dozen thirteen-ounce packages and 1/2 dozen three-ounce tubes of Mecca compound, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Foster-Dack Co., from Chicago, Ill., August 25, 1925, and transported from the State of Illinois into the State of Washington, 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 zinc oxide, petrolatum, and fat, with traces of menthol and thymol.

It was alleged in substance in the libel that the article was misbranded, in that the following statements borne on all the packages: "Healing \* \* \* for all kinds of Sores and inflammation giving quick relief and aiding nature to make speedy cures \* \* \* for \* \* \* Barber's Itch, Eczema, Erysipelas, Hives, Salt Rheum \* \* \* Blood Poison, Boils, Diphtheretic Sore Throat, Pneumonia and all kinds of inflammation," together with the following statements borne on the 13-ounce and 6-ounce packages: "A Triumph of Modern Chemistry \* \* \* It Controls Pain to a Wonderful Degree and renders such valuable aid to Nature as to make recovery, in many cases, seem miraculous \* \* \* If Burn is deep apply \* \* \* as a poultice \* \* \* for best results \* \* \* In Pneumonia it renders to Nature most valuable assistance in controlling fever and affording relief to the patient \* \* \* Sores, Salt Rheum, Erysipelas, Carbuncles, Boils, Felons, Frozen part \* \* \* Rheumatism, Sprains \* \* \* Sore Feet, Eczema, Hives and nearly all kinds of inflammation," were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On April 26, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**14491. Misbranding of cottonseed cake. U. S. v. John F. Smith, Nathan B. Higbie, William B. Traynor. Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 19724. I. S. No. 22699-v.)**

On February 15, 1926, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Smith, Nathan B. Higbie, and William B. Traynor, trustees of the Consumers Cotton Oil Mills, Rotan, Tex., alleging shipment by said defendants, in violation of the food and drugs act, on or about January 10, 1925, from the State of Texas into the State of Colorado, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "43 Per Cent Protein Cracked Cottonseed Cake Prime Quality Manufactured By: Rotan Cotton Oil Mill, Rotan, Texas. Guaranteed Analysis Crude Protein not less than 43.00 Per Cent \* \* \* Crude Fiber not more than 12.00 Per Cent."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43 Per Cent Protein," "Guaranteed Analysis Crude