

transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mallinckrodt One Pound Ether For Anesthesia, * * * a superior article in every respect, unsurpassed in chemical purity."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained peroxide.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized by the U. S. Pharmacopœia and differed from the standard of quality and purity as prescribed in said pharmacopœia, and its own standard was not stated upon the labels, and in that the purity of the said article fell below the professed standard of quality under which it was sold.

Misbranding was alleged for the reason that the statements on the labels of the cans containing the article, namely, "Ether for Anesthesia * * * a superior article in every respect, unsurpassed in chemical purity," were false and misleading.

On October 13, 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.*

14688. Adulteration of tomato paste. U. S. v. 74 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20471. I. S. No. 7038-x. S. No. E-5512.)

On October 7, 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 a libel praying seizure and condemnation of 74 cases of concentrated tomato paste, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Cribari & Sons, from Hazlet, N. J., on or about September 23, 1925, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act.

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

On October 13, 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.*

14689. Adulteration of chopped apples. U. S. v. 687 Bags of Chopped Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21227. I. S. No. 4291-x. S. No. C-5201.)

On August 11, 1926, the United States attorney for the Eastern District of Missouri, 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 687 bags of chopped apples, consigned by the Standard Apple Products, Inc., of Rochester, N. Y., alleging that the article had been shipped from Dupon, Ill., in part July 26 and in part July 31, 1926, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 11, 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.*

14690. Misbranding of cottonseed cake. U. S. v. 85 Sacks of Cottonseed Cake. Decree of forfeiture entered. Product released under bond. (F. & D. No. 20931. I. S. No. 432-x. S. No. W-1917.)

On March 17, 1926, the United States attorney for the District of Colorado, 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 85 sacks of cottonseed cake, remaining in the original unbroken packages at Pueblo, Colo., consigned by the Coleman Cotton Oil Mill, Coleman, Tex., alleging that the article had been shipped from Coleman, Tex., on or about October 23,

1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Cake. Prime Quality."

Misbranding of the article was alleged in the libel for the reason that the statement "43% Protein," borne on the label, was false and misleading and deceived and misled the purchaser, since the said product did not contain 43 per cent of protein.

On July 21, 1926, the Consumers Cotton Oil Mills having appeared as claimant for the property, judgment of forfeiture was entered, and it was ordered by the court that the property be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled according to its correct contents.

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

14691. Adulteration and misbranding of morphine sulphate tablets and codeine sulphate tablets. U. S. v. Morgenstern & Co. Plea of nolo contendere. Special judgment entered. Fine, \$150. (F. & D. No. 18998. I. S. Nos. 1916-v, 1926-v, 1927-v, 2252-v, 2873-v, 15359-v.)

At the December, 1924, term of the United States District Court within and for the Southern 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 Morgenstern & Co., a corporation, New York, N. Y., alleging shipment by said company, in various consignments, on or about June 14, 1923, from the State of New York into the State of Pennsylvania, of a quantity of codeine sulphate tablets, on or about June 22, 1923, from the State of New York into the State of Rhode Island, of a quantity of morphine sulphate tablets, on or about December 13, 1923, from the State of New York into the State of New Jersey, of a quantity of morphine sulphate tablets, and on or about August 23, 1923, and January 3, 1924, from the State of New York into the State of Massachusetts, of quantities of morphine sulphate tablets and codeine sulphate tablets which were adulterated and misbranded. The articles were labeled in part: "Distributed and Guaranteed by Morgenstern & Co., New York," and were further labeled as hereinafter set forth.

Analysis by the Bureau of Chemistry of this department of three samples of the morphine sulphate tablets labeled "1/4 Grain" showed that they contained approximately 0.227, 0.227, and 0.225 grain, respectively, of morphine sulphate per tablet; analysis of a sample of the morphine sulphate tablets labeled "1/8 Gr." showed that it contained approximately 0.184 grain of morphine sulphate per tablet; analysis of two samples of the codeine sulphate tablets, labeled "1/4 Grain," showed that they contained approximately 0.215 and 0.219 grain, respectively, of codeine sulphate per 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 the labels represented the said tablets to contain 1/4 grain of morphine sulphate, 1/8 grain of morphine sulphate, or 1/4 grain of codeine sulphate, as the case might be, whereas the alleged 1/4 grain morphine sulphate tablets and the alleged 1/4 grain codeine sulphate tablets contained less than represented on the labels, and the alleged 1/8 grain morphine sulphate tablets contained more morphine sulphate than so represented.

Misbranding was alleged for the reason that the following statements, to wit, "Tablets Morphine Sulphate 1/4 Grain," "Tablets Morphine Sulphate 1/8 Gr.," "Tablets Codeine Sulphate * * * 1/4 Grain," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the alleged 1/4 grain morphine sulphate tablets contained less than 1/4 grain of morphine sulphate each, the alleged 1/4 grain codeine sulphate tablets contained less than 1/4 grain of codeine sulphate each, and the alleged 1/8 grain morphine sulphate tablets contained more than 1/8 grain of morphine sulphate each.

On January 26, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed the following judgment: "It is conceded that the tablets were manufactured, bottled, and labeled by the Fraser Tablet Co., of Brooklyn, New York, the defendant company being merely the jobber and relying on the manufacturer's com-