

false and misleading in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and for the further reason that it was labeled, "Creamery Butter," so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter as prescribed by law, but was a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged with respect to a portion of the article 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 package bore no statement as to the quantity of the contents.

On March 8, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

15719. Adulteration and misbranding of cottonseed meal. U. S. v. 15 Tons of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22247. I. S. No. 18503. S. No. 300.)

On December 2, 1927, 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 seizure and condemnation of 15 tons of cottonseed meal, remaining in the original unbroken packages at Belchertown, Mass., consigned about September 9, 1927, alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., and transported from the State of Georgia into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in protein had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement, "Cottonseed Meal Guaranteed Analysis Min. Protein 41.12%," borne on the package or label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On January 27, 1928, the Humphreys-Godwin Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$1,000, conditioned in part that it be relabeled under the supervision of this department.

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

15720. Misbranding of Norma. U. S. v. 35 Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22403. S. No. 476.)

On or about January 28, 1928, the United States attorney for the Eastern District of Virginia, 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 35 bottles of Norma, at Richmond, Va., alleging that the article had been shipped by the Norma Laboratories, Inc., Albany, N. Y., on or about December 16, 1927, and transported from the State of New York into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis showed that the article consisted essentially of a soluble phosphate, glycerin, and water with a small amount of plant extractive material and red coloring. Pharmacological examination showed that it was not a vasomotor dilator.

It was alleged in the libel that the article was misbranded in that the statements on the bottle label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "A Vaso Motor dilator. The action of Norma is to relieve the strain on the arteries and blood vessels."