

16128. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22976. I. S. No. 02657. S. No. 965.)

On or about July 13, 1928, 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 seizure and condemnation of 20 cases of butter, remaining in the original unbroken packages at Olean, N. Y., alleging that the article had been shipped by the McKean County Creamery, Smethport, Pa., July 12, 1928, and transported from the State of Pennsylvania into the State of New York, 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 product deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the following statements, borne on the labels, were false and misleading and deceived and misled the purchaser: "Net Weight One Pound;" (retail package) "This butter is made from pure cream and on account of its high, rich, delicate flavor should be kept in a cool place entirely away from vegetables and other like products. This wrapper acts as a protection and should be retained on butter Until Used;" (carton) "McKean County Creamery, Smethport, Penna. Pure Creamery Butter. This butter is churned from Purest Cream and in this package will retain its Purity and Sweetness—One Pound Net;" (wholesale package) "30 prints packed in unlabeled and unmarked fiber shipping cases."

On October 18, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16129. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of destruction entered. (F. & D. No. 22936. I. S. No. 02818. S. No. 998.)

On August 3, 1928, 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 1 barrel of frozen poultry, remaining in the original unbroken packages at Springfield, Mass., consigned about July 17, 1928, alleging that the article had been shipped by W. S. Buchart, Buffalo, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On December 14, 1928, no claimant having appeared for the property, judgment by default was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16130. Adulteration and misbranding of cloves. U. S. v. 25 Cases of Cloves. Default decree of condemnation and destruction. (F. & D. No. 22484. I. S. No. 2791-x. S. No. 601.)

On or about February 28, 1928, the United States attorney for the District of Kansas, 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 25 cases of cloves, remaining in the original packages at Wichita, Kans., alleging that the article had been shipped by the Biston Coffee Co., from St. Louis, Mo., on or about January 28, 1928, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cloves, Pure Ground Spices."

It was alleged in the libel that the article was adulterated in that foreign matter had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Cloves" was false and misleading and deceived and misled the purchaser, and in that the article was an imitation of and offered for sale under the distinctive name of another article.

On September 24, 1928, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16131. Misbranding of Cholérine. U. S. v. 60 Quart Containers, et al., of Cholérine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22639. I. S. 12948-x. S. No. 641.)

On March 21, 1928, 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 60 quart containers, 30 gallon containers and ten 5-gallon containers of Cholérine, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Germa Manufacturing Co., from Los Angeles, Calif., arriving at Seattle, about October 8, 1927, and had been transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium, iron, and magnesium sulphates, extract of red pepper, sassafras oil, and free acid, colored red with a coal-tar dye.

It was alleged in the libel that the article was misbranded in that the following statements borne on the labeling, (bottle label) "Cholérine * * * Unequaled in the treatment of Cholera, Roup, White Diarrhoea, * * * and other diseases of poultry * * *. In treating cases of Cholera, Roup, and Limberneck, * * *. Prevention is better than cure. To ward off disease and * * * to keep your flock in a healthy vigorous condition at all times * * *. As a special aid in preventing and treating some forms of Diarrhoea or bowel trouble * * *. When baby chicks are noticeably affected * * *. White Diarrhoea is a germ disease and requires * * * Cholérine, to prevent its ravages. As a preventive," (circular entitled "What is Cholérine?") "Cholérine * * * A Scientific Preparation which Supplies the Necessary Minerals to your Flock. Cholérine is a * * * Body Builder. A Prophylactic aid in the prevention of many poultry diseases. 'A Healthy Bird Resists Disease.' A positive cure for Bacillus Pullorum (White Diarrhoea) and Coccidiosis (Blood Diarrhoea) in young chicks. Keeps Adult Fowls in Healthy Condition * * *. Cholérine is a Scientific Preparation so compounded as to supply the Mineral elements necessary for the maintenance of your flock. Cholérine is a Body and Vitality Builder * * *. It lessens the work of digestion, cleanses the intestinal tracts, and helps greatly toward keeping your flock in a generally healthy condition * * *. Health and Vitality must be maintained in their flocks for * * * small mortality * * *. Even with best feeds, plenty greens, and carefully apportioned rations, there are certain essential mineral elements necessary which can only be obtained by feeding Cholérine. When used all the year round, according to directions, Cholérine will positively reduce death losses, act as a distinct preventive of disease * * * and insure a healthy production of baby chicks. Cholérine * * * will improve your flock to such an extent that you cannot fail to see the long-wished-for result and the healthy, happy hen * * *. Cholérine for Baby Chicks: It will * * * decrease your death loss * * * making a strong healthy body * * *. Should diseases break out among young chicks, such as White Diarrhoea, Coccidiosis, Nutritional disease, etc., give * * * until disease abates * * * chicks very noticeably affected * * * pour * * * down their throats * * *. For Sick Hens and Pullets: * * * in severe cases," (circular entitled "That Healthy Look") "That Healthy Look! Give Your Chicks A Good Start. Cholérine in Drinking Water or Feed insures Healthy, Vigorous, Rapid Growth, during those dangerous first six weeks. Save your Baby Chicks—Make and Keep Your Mature Flock Healthy, Vigorous * * *. As soon as the chicks are placed under the brooder * * * give them a drink * * * to which has been added * * * Cholérine * * *. Prevention of disease is better than to cure. The most prevalent diseases in chicks are digestive disorders, such as Loose Bowels, Indigestion, Common Diarrhoea, and the more serious Bacillary White Diarrhoea * * *. Nutritional Disease. Chicks fed regularly with Cholérine rarely develop this