

16134. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22850. I. S. No. 20528-x. S. No. 937.)

On June 28, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Culpeper Creamery, from Culpeper, Va., June 25, 1928, and transported from the State of Virginia into the District of Columbia, and charging adulteration 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 milk fat had been substituted for butter, which the said article purported to be, for the further 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, as prescribed by the act of March 4, 1923, and for the further reason that a valuable constituent of the article had been wholly or in part abstracted.

On July 12, 1928, G. M. Shelor, Culpeper, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16135. Adulteration of butter. U. S. v. 9 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22908. I. S. No. 21307-x. S. No. 933.)

On June 30, 1928, 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 a libel praying seizure and condemnation of 9 tubs of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Land O'Lakes Creameries (Inc.), from Duluth, Minn., and transported from the State of Minnesota into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Land O'Lakes Creameries, Inc. Duluth, Minn."

It was alleged in the libel that the article was adulterated in that a substance low in milk fat 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 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.

On July 18, 1928, the Land O'Lakes Creameries (Inc.), Minneapolis, Minn., having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or disposed of contrary to law, and that it be reconditioned to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16136. Adulteration of pecans. U. S. v. 10 Sacks of Pecans (In Shell). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23207. I. S. No. 02870. S. No. 1307.)

On November 22, 1928, 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 10 sacks of pecans in shell at New York, N. Y., consigned in interstate commerce by the South Georgia Pecan Nut Co., Valdosta, Ga., about February 2, 1928, charging that the article was adulterated in violation of the food and drugs act. The article was labeled in part: "From South Georgia Pecan Nut Co. Valdosta, Georgia, to J. B. Cavagnaro Company 110 Park Place, New York City."

It was alleged in the libel that the article was adulterated in that it consisted in part of shrivelled and empty nuts which had been substituted in part for

the said article, and for the further reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 10, 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.*

16137. Adulteration and misbranding of citrate of magnesia. U. S. v. Max W. Robinson (New England Magnesia Co.). Plea of guilty. Fine, \$200. (F. & D. No. 22566. I. S. No. 16484-x.)

On November 21, 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 an information against Max W. Robinson, trading as the New England Magnesia Co., Boston, Mass., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 26, 1927, from the State of Massachusetts into the State of Rhode Island, of a quantity of citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Solution of Citrate of Magnesia * * * New England Magnesia Co. Boston, Mass. N E M C O U. S. P. IX—Rev. Solution Citrate of Magnesia U. S. P."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation of the article, in that it contained magnesium citrate corresponding to 1.446 grams of magnesium oxide per 100 cubic centimeters, and contained in each 10 cubic centimeters total citric acid corresponding to 25 cubic centimeters of half-normal sulphuric acid, whereas said pharmacopoeia provided that solution of citrate of magnesia, to wit, solution of magnesium citrate, should contain in each 100 cubic centimeters magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide, and should contain in each 10 cubic centimeters total citric acid corresponding to not less than 28 cubic centimeters of half-normal sulphuric acid, and the standard of the strength, quality, and purity of the said article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to conform to the tests for solution of citrate of magnesia laid down in the ninth revision of the United States Pharmacopoeia and was represented to conform to the tests laid down in said pharmacopoeia official at the time of investigation of the article, whereas it did not conform to the tests laid down in said pharmacopoeia, ninth revision, and did not conform to the tests laid down in said pharmacopoeia official at the time of investigation of the article.

Misbranding was alleged for the reason that the statements, to wit, "Solution of Citrate of Magnesia U. S. P. IX—REV." and "Solution Citrate of Magnesia U. S. P.," borne on the bottles containing the article, were false and misleading in that the said statements represented that the article was solution of citrate of magnesia which conformed to the standard laid down in the ninth revision of the United States Pharmacopoeia, and was solution of citrate of magnesia which conformed to the standard laid down in the said pharmacopoeia official at the time of investigation of the article, whereas it was not solution of citrate of magnesia which conformed to the United States Pharmacopoeia, ninth revision, and was not solution of citrate of magnesia which conformed to the standard laid down in the said pharmacopoeia official at the time of investigation of the article.

On December 10, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16138. Adulteration and misbranding of canned salmon. U. S. v. 344 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23068. I. S. No. 02412. S. No. 1164.)

On September 13, 1928, the United States attorney for the District of Maine, 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 344 cases of canned salmon at Rockland, Me., alleging that the article had been shipped by Franklin H. Palmer (Inc.), from Boston, Mass.,