

16222. Adulteration of tomato ketchup. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$40. (F. & D. No. 21586. I. S. Nos. 5821-x, 6679-x.)

On May 14, 1928, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Libby, McNeill & Libby, a corporation organized and existing under the laws of the State of Maine, and having a place of business at Wyoming, Del., alleging shipment by said company, in violation of the food and drugs act, on or about October 26, 1925, from the State of Delaware into the State of Georgia, and on or about November 6, 1925, from the State of Delaware into the State of New York, of quantities of tomato ketchup which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid vegetable substance.

On September 14, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

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

16223. Misbranding of breeding tonic, cow cleaner, and calf cholera remedy. U. S. v. 11 Packages of Breeding Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 23326. I. S. Nos. 01671, 01672, 01673. S. No. 1394.)

On January 12, 1929, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 11 packages of breeding tonic, 30 packages of cow cleaner, and 10 packages of calf cholera remedy, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the articles had been shipped from the Dr. David Roberts Veterinary Co., Waukesha, Wis., between the dates of August 14, 1928, and November 27, 1928, and transported from the State of Wisconsin into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the breeding tonic consisted essentially of magnesium sulphate, sodium chloride, sulphur, cornstarch, sugar, a small amount of phenol, and crude drugs, including damiana, burdock, cantharides, nux vomica, capsicum, and anise; that the calf cholera remedy consisted essentially of bismuth subnitrate, calcium carbonate, iron compounds, salol, starch, and crude drugs, including licorice, anise, and ginger; and that the cow cleaner consisted essentially of magnesium sulphate, sodium chloride, borax, a small amount of phenol, starch, and crude drugs, including damiana, burdock, locust bean, dandelion, nux vomica, licorice, and anise.

The articles were labeled, in part, respectively: (Breeding tonic) "Breeding Tonic for Toning the Genital Organs of Livestock * * * When a cow, mare, ewe, or sow fails to conceive when bred, it is evident that their genital organs are not in a healthy condition, which may result from various causes, one of the most common among cows being the removal of the afterbirth by force after a former freshening period * * *. From 2 Lbs. to 12 Lbs. of Breeding Tonic should be given to each cow or mare. Double the dose for cows carrying a mummified calf. No animals should be slaughtered or sold without giving them this opportunity of breeding * * *. Give each cow or mare one tablespoonful of Breeding Tonic morning and evening in feed until they conceive * * *. If they fail to conceive after giving Breeding Tonic as directed and breeding them at one, two, or three different heat periods it will be necessary to use a Womb Sound and Dilators to open the mouth of the womb. Give each ewe or sow one tablespoonful of Breeding Tonic once daily in feed until they conceive;" (cow cleaner) "Cow Cleaner For Cows and Heifers * * * Give a cow or heifer one tablespoonful of Cow Cleaner three times daily in feed, beginning one week before calving, and continue until she has properly cleaned * * * Cow Cleaner * * * Cow ruined as a profit producer. While a cow may appear to be little inconvenienced by the retention of the afterbirth, at the same time she is if neglected, being slowly but surely ruined as a milker, breeder, or profit producer. When Force is Used Parts Remain and Cow Often Fails to Breed. The parts of the afterbirth attached to the buttons are retained and undergo putrefaction, and the buttons torn from the womb leave raw sores which become infected by the rotting, decomposing, irritating masses of foreign matter of which a large per cent is absorbed by the system;" (calf cholera remedy) "Calf Cholera * * * follow with Calf

Cholera Remedy for the following ailments: Calf Cholera, White Scours, Diarrhoea, Bloody Fluxes, Dysentery, Scours, and Indigestion in all live stock * * * Calf Cholera Remedy * * * To Prevent and Overcome Scours in all Live Stock * * * until Bowels move naturally * * * until the bowels move naturally."

It was alleged in the libels that the articles were misbranded in that the above-quoted statements regarding the curative and therapeutic effects of the said articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On February 11, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

16224. Misbranding of cooking compound. U. S. v. 75 Cases of Cooking Compound. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23301. I. S. No. 07408. S. No. 1433.)

On January 4, 1929, 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 75 cases of cooking compound, remaining in the original unbroken packages at Denver, Colo., consigned by the Danish Packing Co. (Ltd.), of Providence, R. I., alleging that the article had been shipped from Chicago, Ill., on or about December 22, 1928, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cartons) "1 pound Net Weight. Penobscot Nut Product for Best Cooking and Baking. Danish Packing Co., Ltd., Providence, R. I."

It was alleged in the libel that the article was misbranded in that the statement "1 Pound Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 19, 1929, the Blayne-Murphy Co., Denver, Colo., 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 \$100, conditioned in part that it be shipped to the Danish Packing Co. (Ltd.) at Chicago, the original manufacturer and shipper thereof, and that the said Danish Packing Co. (Ltd.) repack the article to bring the packages up to the weight of 1 pound. On February 15, 1929, the decree was amended to permit shipment of the product to Providence, R. I., to be there reconditioned by the said shipper.

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

16225. Adulteration and misbranding of cottonseed meal. U. S. v. 70 Bags of Cottonseed Meal. Product released under bond to be relabeled. (F. & D. No. 23082. I. S. No. 0433. S. No. 1166.)

On or about November 19, 1928, the United States attorney for the District of New Mexico, 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 70 bags of cottonseed meal, remaining unsold in the original packages at Deming, N. Mex., alleging that the article had been shipped by the Community Milling Co., El Paso, Tex., May 8, 1928, and transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "43 per cent protein Cottonseed Meal Prime Quality One Hundred Pounds Net. Manufactured by Spears & Company, El Paso, Texas, Crude Protein no less than 43 per cent."

It was alleged in substance in the libel that the bags containing the article were misbranded and the contents thereof adulterated, in that the said statements upon the bags and labels regarding the chemical contents of the article