

ing the same, regarding the curative and therapeutic effect of said drug, were false and fraudulent in that the same were applied to the drug knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchaser thereof and create in his mind the impression and belief that said drug was in whole or in part composed of and contained ingredients and medicinal agents effective as a treatment, remedy, and cure of gonorrhoea, whereas, in truth and in fact, it was not.

On June 24, 1920, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

8722. Misbranding of Owl Brand cottonseed meal. U. S. * * * v. De Soto Cotton Oil Co., Ltd., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 10895. I. S. No. 11067-r.)

On October 16, 1919, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the De Soto Cotton Oil Co., Ltd., a corporation, Mansfield, La., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 1, 1918, from the State of Louisiana into the State of Michigan, of a quantity of an article, labeled in part "Owl Brand F. W. Brode & Co., Memphis, Tenn. Jobbers High-Grade Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of 7.10 per cent of ammonia, 36.6 per cent of protein, 5.85 per cent of nitrogen, and 15.97 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the following statements concerning the article, appearing on the tag attached to the sacks containing it, to wit, "Ammonia 8%, Nitrogen 6½%, Protein 41%, Fibre, Maximum 10%," were false and misleading in that they represented to purchasers of the article that it contained not less than 8 per cent of ammonia, 6½ per cent of nitrogen, 41 per cent of protein, and not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, 6½ per cent of nitrogen, 41 per cent of protein, and not more than 10 per cent of fiber, whereas, in truth and in fact, it contained less than 8 per cent of ammonia, less than 6½ per cent of nitrogen, less than 41 per cent of protein, and more than 10 per cent of fiber.

On March 8, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

8723. Misbranding of Vitalitas. U. S. * * * v. 240 Cases of Vitalitas. Product ordered released on bond. (F. & D. No. 11236. I. S. No. 13133-r. S. No. E-1711.)

On September 17, 1919, 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 of information praying the seizure and condemnation of 240 cases of Vitalitas, at Boston, Mass., consigned August 21, 1919, by the Vital Remedies Co., Houston, Tex., alleging that the article had been transported from the State of Texas into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution of sulphates of iron and aluminum and traces of other mineral salts in approximately 97.5 per cent of water.

It was alleged in substance in the libel of information that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing upon the bottle label, "Its functions are to enrich the blood, strengthen the tone of the system, and thus aid in the restoration of healthy functions. A Family Remedy useful in the treatment of Rheumatism, Chronic Indigestion, Impoverished Blood, Atonic Dyspepsia, Chronic Diarrhœa, Dropsy, Malarial Anæmia, General Debility following recovery from acute diseases, Leucorrhœa, and Excessive Menstruation," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 15, 1920, the said Vital Remedies Co. (Inc.), claimant, having filed a satisfactory bond, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings, and that the libel of information be dismissed in accordance with the agreement of the parties filed March 25, 1920.

E. D. BALL, *Acting Secretary of Agriculture.*

8724. Adulteration of salmon. U. S. * * * v. 55 Cases of White Cross Brand Alaska Pink Salmon and 235 Cases of Medium Red Salmon. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 11504. I. S. Nos. 3033-r, 3036-r, 3037-r, 3038-r. S. No. W-521.)

On or about November 3, 1919, 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 for the seizure and condemnation of 55 cases of White Cross Brand Alaska Pink Salmon and 235 cases of Medium Red Salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Copper River Packing Co., Nellie Juan, Alaska, and transported from the Territory of Alaska into the State of Washington, the shipment arriving on or about September 9, 1919, 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 wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 1, 1920, the said Copper River Packing Co., Nellie Juan, Alaska, claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000 in conformity with section 10 of the act, conditioned in part that the claimant separate such portion of the product as might not be adulterated from the portion which was filthy, decomposed, and putrid, and that the unadulterated portion of the product be released by the marshal to the claimant, and that the portion of said product unfit for food be destroyed.

E. D. BALL, *Acting Secretary of Agriculture.*

8725. Misbranding of San-Methyl. U. S. * * * v. 7 Packages of San-Methyl * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11519. I. S. No. 8351-r. S. No. C-1600.)

On November 28, 1919, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and