

9252. Misbranding of cottonseed cake. U. S. * * * v. Alston Boyd (Washington Cotton Oil Co.). Plea of guilty. Fine, \$100. (F. & D. No. 11804. I. S. Nos. 11952-r, 11953-r, 11954-r, 11955-r.)

On April 19, 1920, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alston Boyd, trading as the Washington Cotton Oil Co., Dallas, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 16, 17, and 18, 1919, from the State of Texas into the State of Kansas, of quantities of cottonseed cake which was misbranded. The article was labeled in part, "Circle X Brand 100 Lbs. Prime Cotton Seed Meal and Cake * * *"

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Lbs.," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that each of said sacks contained 100 pounds of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 100 pounds of the article, whereas, in truth and in fact, each of said sacks did not contain 100 pounds of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On June 30, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

9253. Adulteration and misbranding of Pepso-Laxatone. U. S. * * * v. 8 Dozen, 4 Dozen, and 4 Dozen Bottles * * * of * * * Pepso-Laxatone. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11858, 11859, 11860. I. S. Nos. 8754-r, 8755-r, 8756-r, 8758-r. S. Nos. C-1654, C-1655, C-1656.)

On or about December 29, 1919, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 dozen, 4 dozen, and 4 dozen bottles, more or less, of Pepso-Laxatone, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Burlingame Chemical Co., Los Angeles, Calif., on or about October 31, October 14, and September 22, 1919, respectively, and transported from the State of California into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Pepso-Laxatone Contains 14% Alcohol A Digestant Laxative Pepso-Laxatone is a solution of Pepsin, Diastase, Pancreatine, combined with Lactic and Hydrochloric Acid, to which is added to each fluid ounce 60 grains of fluid extract of Cascara Sagrada * * * An efficient combination of agents for the permanent relief of habitual Constipation, Gastric Disorders and Indigestion. Dose.—One teaspoonful three times a day before meals. Children 5 to 30 drops. Burlingame Chemical Co. Los Angeles, Cal."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution containing essentially pepsin, acids, including hydrochloric acid, licorice, plant extractives, including acid resins, and a trace of cascara, glycerin, sugar, alcohol, water, and essential oils. Diastase and pancreatin were absent.