

9457. Misbranding of dairy feed. U. S. * * * v. Hales & Edwards Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 13163. I. S. No. 11074-r.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, 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 Hales & Edwards Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 23, 1919, from the State of Illinois into the State of Michigan, of a quantity of dairy feed which was misbranded. The article was labeled in part: "Gold Flake Dairy Feed * * * Guaranteed Analysis Protein 16% Fat 3½% Crude Fiber 15% Carbohydrates 50% * * * Sole Manufacturers Hales & Edwards Co. Chicago, Ill. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 12.72 per cent of protein, 18.40 per cent of fiber, and 3.10 per cent of fat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Protein 16% Crude Fiber 15% Fat 3½%," borne on the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not less than 16 per cent of protein, not more than 15 per cent of crude fiber, and not less than 3½ per cent of fat, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein, not more than 15 per cent of crude fiber, and not less than 3½ per cent of fat, whereas, in truth and in fact, it contained less than 16 per cent of protein, more than 15 per cent of crude fiber, and less than 3½ per cent of fat, to wit, approximately 12.72 per cent of protein, 18.40 per cent of crude fiber, and 3.10 per cent of fat.

On March 30, 1921, a plea of guilty was entered on behalf of the defendant company, and on July 1, 1921, the court imposed a fine of \$100 and costs.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9458. Misbranding of Black Diamond Oil. U. S. * * * v. Frank A. Goodwin (Dr. F. A. Goodwin). Plea of guilty. Fine, \$100. (F. & D. No. 13170. I. S. No. 8138-r.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank A. Goodwin, trading as Dr. F. A. Goodwin, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 27, 1920, from the State of Illinois into the State of Missouri, of a quantity of Black Diamond Oil which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of a light petroleum product, cottonseed oil, tar, and a small amount of capsicum.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the article and in wrappers accompanying the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for pneumonia, colds, sore throat, cough, la grippe, croup, colic, diarrhea, cramps, earache, rheumatism, neuralgia, deafness, sciatica, lumbago, headache, inflammatory rheumatism, piles, and gout, when, in truth and in fact, it was not.