

by the Boldemann Chocolate Co., San Francisco, Calif., January 21, 1921, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Boldemann's Sweet Coating Cutter."

Adulteration of the article was alleged in the libel for the reason that excessive cocoa shells had been mixed and packed with, and substituted in part for, the said article, and for the further reason that it was mixed and packed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Sweet Coating," was false and misleading and deceived and misled the purchaser when applied to an article resembling sweet chocolate and containing excessive cocoa shells. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 29, 1921, the Boldemann Chocolate Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9609. Adulteration and misbranding of butter. U. S. \* \* \* v. 110 Tubs \* \* \* of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15107. I. S. No. 679-t. S. No. C-3093.)**

On July 2, 1921, 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 a libel for the seizure and condemnation of 110 tubs, more or less, of butter, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rapid City Creamery Co., Rapid City, S. Dak., June 15, 1921, and transported from the State of South Dakota into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and containing excessive moisture had been substituted in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butter fat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, butter, and for the further reason that it was food in package form, and the quantity was not plainly and conspicuously marked on the outside of the package in terms of weight and measure.

On July 15, 1921, the Rapid City Creamery Co., Rapid City, S. Dak., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product 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

product be reprocessed under the supervision of this department so as to remove the excess water therefrom and that the quantity of the contents be marked plainly and conspicuously on the outside of the package in terms of weight or measure.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9610. Misbranding of cottonseed meal. U. S. \* \* \* v. Planters Mfg. Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 9894. I. S. No. 15420-p.)**

On January 27, 1920, the United States attorney for the Northern District of Mississippi, 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 Planters Mfg. Co., a corporation, Clarksdale, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 8, 1918, from the State of Mississippi into the State of Illinois, of a quantity of cottonseed meal which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 19, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9611. Misbranding of Santal-Miller. U. S. \* \* \* v. 6 Dozen Packages of \* \* \* Santal-Miller. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11010. I. S. No. 7151-r. S. No. C-1380.)**

On August 14, 1920, the United States attorney for the Eastern District of Tennessee, 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 6 dozen packages of Santal-Miller, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the General Drug Co., New York, N. Y., June 26, 1919, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Santal-Miller, a compound \* \* \* Robert J. Miller, Druggist, 121-3 West 9th St. Chattanooga, Tenn."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of santal oil, flavored with oil of cinnamon.

It was alleged in substance in the libel that the article was misbranded in that the labeling bore statements regarding the curative and therapeutic effect thereof which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effect claimed and would not cure or relieve gonorrhoea, would not lessen the discharge, and the patient by its use would not be spared the annoyance of a prolonged attack of said disease or be relieved from the pain resulting therefrom.

On November 26, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*