

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained from 12.5 per cent to 16.5 per cent of oats, including wild oats and a few weed seeds.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, wild oats, and weed seeds, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for barley feed, which the said article purported to be.

Misbranding was alleged for the reason 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.

On October 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

10029. Adulteration of chili powder. U. S. * * * v. 35 Cases of Chili Powder * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15047. I. S. No. 10902-t. S. No. W-980.)

On June 30, 1921, 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 35 cases of chili powder, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Gebhardt Chili Powder Co., San Antonio, Tex., on or about February 17 and June 17, 1920, respectively, and transported from the State of Texas into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, (cans and cases) "Gebhardt's Eagle Chili Powder * * *."

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 vegetable substance.

On July 21, 1921, 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.*

10030. Misbranding of Dr. Hiatt's Germicide. U. S. * * * v. James A. Hiatt and George W. Deuker (Hiatt Germicide Co.). Plea of guilty by defendant Hiatt. Fine, \$100 and costs. Indictment nolle prosequi as to defendant Deuker. (F. & D. No. 10052. I. S. No. 9754-p.)

On May 1, 1920, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, returned in the District Court of the United States for said district an indictment against James A. Hiatt and George W. Deuker, copartners, trading under the name of the Hiatt Germicide Co., Richmond, Ind., charging shipment by said defendants, on or about October 22, 1917, in violation of the Food and Drugs Act, as amended, from the State of Indiana into the State of Ohio, of a quantity of an article labeled in part "Dr. Hiatt's Germicide," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a sirup containing a benzoate, alcohol, and a trace of phenol.

It was charged in substance in the indictment that the article was misbranded for the reason that certain statements appearing on the bottle labels and upon the cartons inclosing the bottles falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for croup, diphtheria, quinsy, sore throat, catarrh, coughs, colds, inflamed mucous membranes, chronic throat diseases, and all forms of catarrh, and effective to relieve croup, hay fever, and cold in the head, when, in truth and in fact, it was not.

On May 17, 1920, a plea of guilty to the indictment was entered by the defendant Hiatt, and the court imposed a fine of \$100 and costs. On the same date, a plea of not guilty was entered by the defendant Deuker, and the indictment was nolle prosequi as to said defendant.

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