

the Empire Rice Mill Co., a corporation, New Orleans, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 20, 1918, from the State of Louisiana into the State of Georgia, of a quantity of rice bran which was alleged to have been misbranded. The article was labeled in part: "150 Pounds Rice Bran * * *"

Examination, by the Bureau of Chemistry of this department, of 257 sacks of the article from the consignment showed that the average net weight of the sacks examined was 135.1 pounds, an average shortage from the declared weight of 14.9 pounds, or 9.93 per cent.

Misbranding of the article was alleged in the information for the reason that the statement appearing on the labels of the sacks containing the said article, to wit, "150 Pounds," was false and misleading in that the said statement represented that each of said sacks contained not less than 150 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers, in that the said statement represented to purchasers that each sack of the article contained not less than 150 pounds thereof, whereas, in fact and in truth, each of the said sacks did not contain 150 pounds of the said 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 was not plainly or conspicuously marked on the outside of the package, in terms of weight, measure, and numerical count.

On June 21, 1922, the case having come on for final disposition before the court and a jury, after the submission of evidence and arguments by counsel, the jury returned a verdict of not guilty.

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

10811. Adulteration and misbranding of cottonseed meal screenings. U. S. v. Alexandria Cotton Oil Co., Inc., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$150 and costs. (F. & D. No. 12475. I. S. No. 11968-r.)

On July 17, 1920, 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 Alexandria Cotton Oil Co., Inc., a corporation, Alexandria, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 17, 1918, from the State of Louisiana into the State of Kansas, of a quantity of an article invoiced as 43 per cent protein cottonseed meal screenings, in unlabeled sacks, which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.55 per cent of protein.

Adulteration of the article was alleged in the information for the reason that cottonseed meal screenings containing less than 43 per cent of protein had been substituted in whole or in part for 43 per cent cottonseed meal screenings which the 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 June 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the case was submitted to the jury who after deliberating rendered a verdict of guilty, and the court imposed a fine of \$150 and costs.

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

10812. Misbranding of manhood pills. U. S. v. 10 Packages of Manhood Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13958. I. S. No. 1634-t. S. No. C-2595.)

On November 23, 1920, 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 a libel for the seizure and condemnation of 10 packages of manhood pills, remaining unsold in the original unbroken packages at Longstreet, La., alleging that the article had been shipped by the Fitzpatrick Drug Co., Helena, Ark., October 12, 1920, and transported from the State of Arkansas into the State of Louisiana, 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 the pills contained zinc phosphid and extracts of nux vomica and damiana, coated with calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the boxes containing the article and the accompanying circulars bore certain statements regarding its curative and therapeutic effect, which falsely and fraudulently represented it to be effective to restore lost manhood and to bring strong healthy sexual power, to cure weak, nervous, shaky, and unstrung conditions and impotence and weak sexual power in men, when, in fact and in truth, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 22, 1922, 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.*

10813. Adulteration and misbranding of vinegar. U. S. v. 53 Barrels of Alleged Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered sold and relabeled. (F. & D. No. 14078. I. S. No. 6466-t. S. No. E-2939.)

On December 18, 1920, the United States attorney for the District of New Jersey, 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 53 barrels of alleged cider vinegar at Newark, N. J., alleging that the article had been shipped on or about October 27, 1920, by the National Vinegar Co., Palatine Bridge, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel head) "N. Y. State Pure Cider Vinegar Reduced to N. Y. State Standard 4 per centum by J. C. Vosburgh, Canajoharie, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessively diluted apple waste vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for the article, and for the further reason that said article had been mixed in a manner whereby inferiority had been concealed.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that the label bore a statement regarding the article or the ingredients or substances contained therein, to wit, "N. Y. State Pure Cider Vinegar Reduced to N. Y. State Standard 4 per centum," which was false and misleading and deceived and misled the purchaser, since the analysis showed the presence of apple waste vinegar and excessive water.

On October 4, 1921, John C. Vosburgh, 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 be relabeled under the supervision of this department and sold by the United States marshal, with the proviso, however, that the product might be released and restored to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of \$800, in conformity with section 10 of the act.

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

10814. Adulteration of shell eggs. U. S. v. John T. Tisdale et al (Tisdale Grocery). Plea of guilty. Fine, \$25. (F. & D. No. 14303. I. S. No. 444-t.)

On October 18, 1921, 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 John T. Tisdale and Nancy Elizabeth Tisdale, trading as Tisdale Grocery, Dodsonville, Tex., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 28, 1920, from the State of Texas into the State of Oklahoma, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of a sample of the article, consisting of 360 eggs, showed the presence of 96 decomposed eggs, or 26.6 per cent, consisting of mixed or white rots and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 6, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

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