

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said samples contained 13.8 and 14.5 per cent of protein, respectively. Examination by said bureau showed that the article contained corn bran.

Adulteration of the article was alleged in the libel for the reason that a product composed in part of corn bran and containing less than 16 per cent of protein had been substituted for a product composed of wheat middlings and ground wheat screenings, 2 per cent, and containing 16 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 16.00 Per Cent, \* \* \* Made From: Wheat Middlings Ground Wheat Screenings 2%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that the said statements represented that the article contained not less than 16 per cent of protein and was made wholly from wheat middlings and ground wheat screenings, 2 per cent, and for the further reason that it 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, and was made wholly from wheat middlings and ground wheat screenings, 2 per cent, whereas, in truth and in fact, the said article did contain less than 16 per cent of protein and was not made wholly from wheat middlings and ground wheat screenings, 2 per cent, but was made in part from corn bran.

On September 29, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

**12753. Adulteration and misbranding of white middlings and adulteration of dairy feed. U. S. v. Keister Milling Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 16231. I. S. Nos. 11707-t, 11708-t, 11709-t.)**

On September 23, 1924, the United States attorney for the Southern District of West Virginia, 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 Keister Milling Co., a corporation, Huntington, W. Va., alleging shipment by said defendant, in violation of the food and drugs act, from the State of West Virginia into the State of Kentucky, in various consignments, namely, on or about March 18, and April 14, 1921, respectively, of quantities of white middlings which were adulterated and misbranded, and on or about March 1, 1921, of a quantity of dairy feed which was adulterated. The articles were invoiced, respectively, as "White Middlings" and "Dairy Feed."

Analysis of a sample from each of the consignments of white middlings showed that the samples contained rye middlings, rice bran, and rice hulls. Analysis of a sample of the dairy feed showed that it contained a large quantity of rice bran.

Adulteration of the white middlings was alleged in the information for the reason that a mixture composed of rye middlings, rice bran, and rice hulls had been substituted in whole or in part for white middlings, which the article purported to be.

Adulteration of the dairy feed was alleged for the reason that a substance, to wit, rice bran, had been substituted in whole or in part for dairy feed, which the article purported to be.

Misbranding of the white middlings was alleged for the reason that it was a mixture composed in part of rye middlings, rice bran, and rice hulls prepared in imitation of white middlings, and was offered for sale and sold under the distinctive name of another article, to wit, white middlings.

On September 27, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

**12754. Adulteration of butter. U. S. v. 42 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18953. I. S. No. 19021-v. S. No. C-4458.)**

On August 11, 1924, 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 praying the seizure and condemnation of 42 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Rice Lake Creamery Co., from Rice Lake,

Wis., August 5, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that 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 high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On October 5, 1924, the Rice Lake Creamery Co., Rice Lake, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the 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 it be reprocessed under the supervision of this department so as to remove the excess water and raise the percentage of butterfat to not less than 80 per cent.

HOWARD M. GORE, *Secretary of Agriculture.*

**12755. Misbranding of Hooper's anodyne. U. S. v. 57 Bottles of Hooper's Anodyne. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18791. I. S. No. 13075-v. S. No. E-4847.)

On June 20, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 57 bottles of Hooper's anodyne, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the O. P. Hooper Chemical Co., from Chester, Pa., and had been received in part June 3 and in part June 6, 1922, at New York, N. Y., having been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Administered To Children Suffering From Colic Summer Complaint or Teething It Produces A Most Wonderfully Beneficial Effect. \* \* \* For Violent Colic \* \* \* In Teething"; (carton) "For Babies Relieves Colic, Aids Digestion \* \* \* makes Teething Easy \* \* \* Invigorates The Stomach And Bowels, Prevents Vomiting, Also Inflammation Of The Stomach And Gives Tone And Energy To The Whole System. Will almost instantly Relieve \* \* \* Colic."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of morphine hydrochloride, glycerol, sugar, salicylic acid, and water, flavored with an essential oil, such as spearmint oil.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the labels, regarding the article and the ingredients and substances contained therein and the curative and therapeutic effect thereof, were false and fraudulent.

On September 30, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

**12756. Adulteration of shell eggs. U. S. v. 20 Cases of Shell Eggs. Decree of forfeiture. Product released under bond.** (F. & D. No. 18968. I. S. No. 18348-v. S. No. E-4932.)

On or about August 21, 1924, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of shell eggs, remaining in the original unbroken packages at Raleigh, N. C., consigned by the Bristol Produce Co., Bristol, Va., alleging that the article had been shipped from Bristol, Va., on or about August 21, 1924, and transported from the State of Virginia into the State of North Carolina and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it contained 12 per cent of decomposed eggs.