

Misbranding was alleged for the reason that the statement on the labels, to wit, "Clams Net Weight 5 Ounces," was false and misleading and deceived and misled the purchaser, for the further reason that it was offered for sale under the distinctive name of another article, and for the further 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 April 5, 1926, A. J. Lawler, South West Harbor, Me., having appeared as claimant for the property, a decree was entered, adjudging the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

**14295. Adulteration of shell eggs. U. S. v. 24 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20818. I. S. No. 4959-x. S. No. E-5621.)**

On January 25, 1926, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cases of eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Weinberg Bros. & Co., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Quality Stamper Brand."

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

On March 1, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**14296. Adulteration of apple chops. U. S. v. 10 Bags of Apple Chops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20952. I. S. No. 4387-x. S. No. C-5054.)**

On March 18, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 bags of apple chops, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by C. T. Montgomery, Noble, Ill., on or about March 8, 1926, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From C. T. Montgomery, Noble, Ill."

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

On May 13, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**14297. Adulteration and misbranding of butter. U. S. v. Ambrosia J. Smith, John S. Carter, Sam S. Lard, Trustees (Texas Creamery Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 19282. I. S. Nos. 7488-v. 7491-v, 7493-v.)**

On May 1, 1925, the United States attorney for the Southern 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 Ambrosia J. Smith, John S. Carter, and Sam S. Lard, trustees, Texas Creamery Co., an unincorporated association, Houston, Tex., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about February 7, 1924, from the State of Texas into the State of Louisiana, of quantities of butter a portion of which was adulterated and misbranded, and the remainder of which was misbranded. A portion of the article was contained in tubs

labeled in part: "32 Lb. Net Morning Glory Salted Butter." The remainder of the article was contained in cartons labeled in part: "Sweet Clover One Pound Net Sweet Clover Butter \* \* \* Texas Creamery Company, Houston, Texas" or "Extra Fancy Morning Glory Creamery Butter \* \* \* One Pound Net Texas Creamery Co., Houston, Tex."

Adulteration of the tub butter and the Sweet Clover brand butter was alleged in the information for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding of the tub butter and the Sweet Clover brand butter was alleged for the reason that the statement "Butter," borne on the labels, was false and misleading, in that the said statement represented that the article was butter, to wit, an article containing not less than 80 per cent by weight of milk fat as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter but was a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat. Misbranding of the said tub butter and the Sweet Clover brand butter was alleged for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

Misbranding of the Sweet Clover brand and Morning Glory brand butter was alleged for the reason that the statement, to wit, "One Pound Net," borne on the cartons, was false and misleading, in that the said statement represented that the cartons each contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cartons each contained 1 pound net of the said article, whereas said cartons did not each contain 1 pound net of the article but did contain a less amount. Misbranding of the said Sweet Clover brand and Morning Glory brand butter was alleged for the further 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 packages.

On May 7, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

**14298. Misbranding of San-Tox kidney and bladder pills. U. S. v. 12 Dozen Bottles, et al., of San-Tox Kidney and Bladder Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20734, 20735. I. S. Nos. 784-x, 791-x. S. Nos. W-1794, W-1837.)**

On December 24, 1925, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 31 dozen bottles of San-Tox kidney and bladder pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the DePree Co., from Holland, Mich., in various consignments, June 7 and 26 and November 14 and 23, 1925, respectively, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that the pills contained potassium nitrate, juniper oil, Venice turpentine, and extracts of vegetable drugs, including uva ursi, pichi, and cascara sagrada, and were sugar coated.

Misbranding of the article was alleged in the libels for the reason that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Kidney and Bladder Pills," (carton label) "Kidney And Bladder Pills Recommended for derangements of the kidneys and bladder," (circular accompanying 12 dozen bottles of product) "Kidney and Bladder Pills \* \* \* While it is not our intention to cause undue fear nor to exaggerate the danger of neglecting the kidneys and bladder when one first experiences the well known symptoms which indicate trouble in these organs, still we desire to state in all fairness and honesty that too often these symptoms are neglected at the start, when a simple form of treatment, adhered to for a sufficient time to enable these vital organs to regain their normal condition and resume proper