

remedy contained two individual paste board packages each. These individual paste board packages were wrapped in light yellow paper. Three sides were pasted to the package, and the fourth side was not pasted. Under this side, which would of necessity be torn open by the consumer, appear the directions for the use of the so-called Bowman's abortion remedy. Under the flap at the top appeared the printed statement 'Bowmans Abortion Remedy. This package contains one 9½ pounds treatment of Bowman's Abortion Remedy. Read the directions carefully before administering.' A copy of a pamphlet sent out by the Bowman Company to the dealer in this case, was also introduced. This pamphlet was designated as 'Bowman's Bulletin,' and was a form of collateral advertising matter sent interstate to agents or customers by the Bowman Remedy Company. In this pamphlet the statement was made that the directions for use of the remedy would be found inside the package. On this evidence the court finds that the printing and labeling are a branding within the meaning of the act, which reads 'If the package or label shall bear or contain any statement, etc.' The effort to conceal the label by wrapping in light yellow paper is clearly and patently an effort to circumvent the law. It is in the opinion of the court a subterfuge. If anything, it is evidence to be considered in connection with the latter portion of paragraph 3, section 8 of the act, to wit, that it is 'false and fraudulent.'

"Any product of this nature, which is in truth a remedy for contagious abortion in cattle, would not have to be concealed and shipped in secret.

"The remedy itself has to do with what is known as contagious abortion in cattle. This is a serious disease, one which live stock dealers and veterinarians have been contending with for a long period of time. The disease is caused by infection in cattle by microorganisms. It is highly contagious, and may be transmitted in a number of ways. The germ apparently attacks the uterus at a point where nourishment passes to the fetus, with the result that this portion of the anatomy is destroyed. When the passage of food to the unborn calf is stopped, the fetus dies, and is thereupon expelled, as a natural process of nature. Specimens and exhibits clearly indicating this process were exhibited by the Government. It was shown that no remedy, medicine or drug taken by the cow in the ordinary manner into the stomach could in any possible way reach the source of the trouble, or have any effect upon the germ. This fact was testified to by any number of specialists and veterinarians.

"The analysis of the so-called abortion remedy indicates that it is composed of 85 per cent brown sugar and 15 per cent wheat. No trace of any chemical or drugs was found in the remedy. No evidence was introduced by the claimant controverting this testimony. The Government experts were of the unanimous opinion that no possible combination of these two substances would have any effect upon the disease. It must therefore be concluded that the remedy is false and fraudulent, and is a pure deception upon the farmer. Expert testimony was introduced by the Government to the effect that a number of tests had been made on Government owned cattle. All indicate clearly and conclusively that Bowman's abortion remedy neither prevented the disease, cured it after inception, or in any manner retarded its effect. Germs of the disease placed in a strong solution of Bowman's abortion remedy, thrived, prospered and multiplied without any check whatsoever.

"The subject of misbranding is treated by the following authorities:

"U. S. *vs.* 95 Barrels Apple Cider Vinegar, 265 U. S. 438.

"U. S. *vs.* Oil of Wintergreen, 268 Fed. 866.

"U. S. *vs.* Hog Food, 276 Fed. 34.

"U. S. *vs.* Tea & Spice Co., 286 Fed. 475 (6 C. C. A.).

"Goodwin *vs.* U. S. (6 C. C. A.) 2 Fed. (2nd) 200.

"Judgment of condemnation will be entered with costs against claimant."

A decree of the court was thereupon entered, condemning the product and ordering its destruction by the United States marshal.

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

14374. **Misbranding of butter.** U. S. v. 11 Cases and 9 Cases of Butter. Decree entered, adjudging the product misbranded and ordering its release under bond. (F. & D. No. 19922. I. S. Nos. 9759-v, 9760-v. S. No. C-4676.)

On February 27, 1925, the United States attorney for the Southern District of Alabama, 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 20 cases of butter, at Mobile, Ala., alleging that the article

had been shipped by the Meriden Creamery Co., from Kansas City, Mo., February 9, 1925, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Case) "Meadow Cream Quarters * * * From the Meriden Cry. Co. * * * Kansas City, Missouri." The remainder of the said article was labeled in part: (Case) "Prairie Rose Butter The Meriden Creamery Co., Kansas City, Mo."

Misbranding of the article was alleged in substance in the libel for the reason that the cartons containing the respective lots of the said article bore the following statements, "Meadow Cream Registered Brand Pure Creamery Butter One Pound Net" and "Prairie Rose Creamery Butter One Pound Net Weight The Meriden Creamery Co., Kansas City, U. S. A.," which said statements represented the net weight of the butter contents of each carton to be 1 pound, and which said representation was false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On May 16, 1925, the Haas Davis Packing Co., Mobile, Ala., having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded, and it was ordered by the court that the said product be released to the claimant upon the execution of a good and sufficient bond, conditioned in part that it be returned to the Meriden Creamery Co., Kansas City, Mo., to be repacked in conformity with the law.

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

14375. Misbranding of butter. U. S. v. George Freese's Sons Co. Plea of guilty. Fine, \$25. (F. & D. No. 19289. I. S. Nos. 2378-v, 2379-v.)

On March 9, 1925, the United States attorney for the Northern District of Ohio, 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 George Freese's Sons Co., a corporation Fostoria, Ohio, alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 8, 1924, from the State of Ohio into the State of Pennsylvania, of a quantity of butter which was misbranded. The article was labeled in part: "One Pound."

Examination by the Bureau of Chemistry of this department of 300 cartons from the shipment showed an average net weight of 15.5 ounces.

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "One Pound," borne on the packages containing the said article, was false and misleading, in that the said statement represented that the packages each contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound of butter, whereas the packages did not each contain 1 pound of butter 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 and conspicuously marked on the outside of the package.

On June 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

14376. Adulteration of shell eggs. U. S. v. Ella E. Bryan, James A. McHenry, Cecile E. Bryan, Mabel B. Berry, Leta M. Bryan, George A. Bryan, Walter J. Bryan and Raymond F. Bryan (McHenry & Bryan). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 19707. I. S. Nos. 6319-v, 6320-v.)

On December 23, 1925, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ella E. Bryan, James A. McHenry, Cecile E. Bryan, Mabel B. Berry, Leta M. Bryan, George A. Bryan, Walter J. Bryan and Raymond F. Bryan, copartners, trading as McHenry & Bryan, Fayetteville, Ark., alleging shipment by said defendants, in violation of the food and drugs act, on or about June 12, 1925, from the State of Arkansas into the State of Missouri, of quantities of shell eggs which were adulterated. The article was labeled in part: "Checks From McHenry & Bryan, Fayetteville, Ark." or "Checks J. McHenry & Bryan * * * From Rogers, Ark."