

from Rahway, N. J., on or about October 16, 1925, and transported from the State of New Jersey into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled: (Tin) "¼ lb. Ether Merck * * * U. S. P." The remainder of the said article was labeled: (Tin) "¼ lb. Ether Merck For Anesthesia. It is purer * * * than the U. S. Pharmacopœia, Ninth Revision, requires."

Analysis by the Bureau of Chemistry of this department of a sample of the article labeled "Ether Merck * * * U. S. P. IX" showed that it contained peroxide, non-volatile matter and had an acid reaction. Analysis by said bureau of a sample of the article labeled "Ether Merck For Anesthesia" showed that it contained peroxides, aldehydes, and non-volatile matter.

Adulteration of the article was alleged in the libel for the reason that it fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements on the respective labels, "U. S. P. IX" and "Ether For Anesthesia. It is purer * * * than the U. S. Pharmacopœia, Ninth Revision, requires," were false and misleading.

On January 5, 1927, Merck & Co., St. Louis, Mo., claimant, having admitted the material allegations of the libel and having consented that judgment of condemnation be entered, a decree was entered, adjudging the product adulterated and misbranded, and it was ordered by the court that it be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$125, conditioned in part that it be dumped into one or more other lots of ether intended to be used and sold for technical purposes.

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

14772. Misbranding and alleged adulteration of canned peas. U. S. v. 1,052 Cases of Canned Peas. Decree adjudging product misbranded and ordering its release to be relabeled. (F. & D. No. 20721. I. S. No. 4459-x. S. No. C-4912.)

On December 16, 1925, 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 1,052 cases of canned peas, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Reeseville Canning Co., Reeseville, Wis., on or about August 19, 1925, and transported from the State of Wisconsin into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Peas Contents 1 Lb. 4 Oz."

It was alleged in the libel that the article was adulterated, in that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Peas" borne on the label, was false and misleading and deceived and misled the purchaser, and in that the product was offered for sale under the distinctive name of another article.

On September 7, 1926, the Rosen Reichardt Brokerage Co., St. Louis, Mo., having appeared as claimant for the property and having executed a bond in the sum of \$1,000, conditioned that the cans be relabeled, "Slack-Filled, Contents 12 Ounces Of Peas. This Can Should Contain 13½ Ounces Of Peas," a decree was entered, adjudging the product misbranded and ordering that it be released to the claimant upon payment of the costs of the proceedings.

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

14773. Misbranding of preserves. U. S. v. 30 Cases of Preserves. Default decree finding product misbranded and ordering its sale. (F. & D. No. 19126. I. S. Nos. 22539-v, 22540-v. S. No. C-4527.)

On or about November 27, 1924, the United States attorney for the Western District of Wisconsin, 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 30 cases of preserves, remaining in the original unbroken packages at Eau Claire, Wis., alleging that the article had been shipped by the Wheeler-Barnes Co., Minneapolis, Minn., on or about September 13, 1924, and transported from the State of Minnesota into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "Net Weight 1 Lb."

It was alleged in the libel that the article was misbranded, in that the statement "Net Weight 1 Lb," borne on the label, was false and misleading and deceived and misled purchasers, in that the product was short weight and each jar of the said preserves did not weigh 1 pound net. 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 April 5, 1926, no claimant having appeared for the property, a decree was entered, finding the material allegations of the libel to be true and adjudging the product misbranded, and it was ordered by the court that the product be sold by the United States marshal and that the statement "Net Weight 1 Lb." be erased from the cases and containers.

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

14774. Misbranding of cottonseed cake. U. S. v. 400 Sacks of Cottonseed Cake. Consent decree entered, adjudging product misbranded and ordering its release under bond. (F. & D. No. 21438. I. S. No. 4175-x. S. No. C-5285.)

On December 6, 1926, the United States attorney for the District of Nebraska, 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 400 sacks of cottonseed cake, at Rushville, Nebr., alleging that the article had been shipped by the Traders Oil Mill Co., from Fort Worth, Tex., on or about November 24, 1926, and transported from the State of Texas into the State of Nebraska, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Cake * * * Manufactured by Traders Mill Company Fort Worth, Texas Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

It was alleged in the libel that the article was misbranded, in that the statement, "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On December 13, 1926, the Traders Oil Mill Co., Fort Worth, Tex., having admitted the allegations of the libel and having consented to the entry of a judgment of condemnation and forfeiture of the property, a decree was entered, finding the product misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it not be sold or otherwise disposed of until relabeled by obliterating the statement "43% Protein" and substituting therefor the statement, "41% Protein."

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

14775. Adulteration of canned salmon. U. S. v. 95 Cases, et al., of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21400, 21401, 21402. I. S. Nos. 10579-x, 10581-x, 10582-x. S. Nos. W-2046, W-2047, W-2048.)

On November 22, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,946 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Alaska Packers Assoc., alleging that the article had been shipped in various consignments from Loring, Naknek, and Ugasik, Alaska, respectively, a portion of the product having been shipped on or about September 1, 1926, and the remainder thereof having arrived at San Francisco, on or about September 1 and October 1, 1926, respectively, and that it had been transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled, variously: "Argo Brand" (or "Walrus Brand" or "Seward Brand" or "Lilly Brand" or "Naha Bay Brand" or "Rocky Point Brand") "Alaska Packers Association San Francisco."

It was alleged in the libels that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On December 13, 1926, the Alaska Packers Assoc., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and