

and condemnation of 30 packages of tablets *Bacillus bulgaricus*, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Fairchild Bros. & Foster, New York, N. Y., on or about August 6, 1928, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, "Tablets of the *Bacillus Bulgaricus*. Contains the true *Bacillus Bulgaricus* \* \* \* preserved in a stable, potent form."

Misbranding was alleged for the reason that the following statements appearing upon and within the packages were false and misleading: (Carton) "Tablet of the *Bacillus Bulgaricus*. Contains the true *Bacillus Bulgaricus* preserved in a stable potent form;" (circular) "Tablet of the *Bacillus Bulgaricus*. Contains the true *Bacillus Bulgaricus* conserved in a stable form \* \* \* It is rigidly standardized, potency guaranteed for the time stamped upon the label."

On November 20, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16090. Misbranding of alfalfa meal. U. S. v. 4 Sacks of Alfalfa Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23126. I. S. No. 02661. S. No. 1234.)**

On October 8, 1928, the United States attorney for the Western 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 seizure and condemnation of 4 sacks of alfalfa meal, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Pecos Valley Alfalfa Mill Co., Hagerman, N. Mex., August 1, 1928, and transported from the State of New Mexico into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Alfalfa Meal 100 Lbs. Net When Packed, Made by The Pecos Valley Alfalfa Mill Company, Hagerman, New Mexico, Guaranteed Analysis: Protein 12%, Fibre 35%, Made From Alfalfa Hay."

It was alleged in the libel that the article was misbranded in that the statements, "Guaranteed Analysis Protein 12%, Fibre 35%," were false and misleading and deceived and misled the purchaser.

On November 12, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16091. Misbranding of poultry greens. U. S. v. 1000 Sacks of Atlas Poultry Greens. Decree of condemnation entered. Product released under bond. (F. & D. No. 23120. I. S. No. 0157. S. No. 1223.)**

On October 5, 1928, 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 1,000 sacks of Atlas poultry greens, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the A. W. Scott Co., from San Francisco, Calif., on or about September 22, 1928, and transported from the State of California into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Atlas Poultry Greens Made from Fancy Ground Alfalfa \* \* \* Guaranteed Analysis—Protein 20% Min., Fibre 18% Max. \* \* \* The A. W. Scott Co., \* \* \* San Francisco, Calif."

It was alleged in the libel that the article was misbranded in that the statements, "Guaranteed Analysis—Protein 20% Min., Fibre 18% Max.," borne on the label, were false and misleading and deceived and misled the purchaser, when applied to a product containing less protein and more fiber than that stated in the labeling.

On November 7, 1928, the A. W. Scott Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of

\$5,000, conditioned in part that it should not be sold or disposed of until relabeled to show the correct contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16092. Adulteration and misbranding of ampuls of Endoquin (quinine hydrochloride), Endoferarsan with glycerophosphates (iron arsenic and glycerophosphates), Endoferarsan (iron and arsenic), and emetine hydrochloride. U. S. v. Intravenous Products Co. of America (Inc.). Plea of guilty. Fine, \$200. (F. & D. No. 22577, I. S. Nos. 14831-x, 16037-x, 16038-x, 16039-x.)**

On October 15, 1928, 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 an information against the Intravenous Products Co. of America (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, from the State of New York into the State of New Jersey, on or about February 26, 1927, of a quantity of Endoquin (quinine hydrochloride), on or about May 29, 1926, of a quantity of Endoferarsan with glycerophosphates (iron arsenic and glycerophosphates), on or about August 20, 1926, of quantities of Endoferarsan (iron and arsenic), and emetine hydrochloride, which said products were adulterated and misbranded. The articles were contained in ampuls, labeled in part respectively: "Endoquin (Quinine Hydrochloride)," "Endoferarsan with Glycerophosphates (Iron Arsenic and Glycerophosphates)," "Endoferarsan (Iron and Arsenic)," "Emetine Hydrochloride," and "Intravenous Products Company of America, Inc., New York," and bore the further statements as hereinafter set forth.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that 5 mils of the Endoquin (quinine hydrochloride) was represented to contain 0.5 gram (7½ grains) of quinine hydrochloride; whereas 5 mils of the said Endoquin contained not more than 0.3661 gram (5.65 grains) of quinine hydrochloride; 5 mils of the Endoferarsan with glycerophosphates was represented to contain 0.065 gram (1 grain) of ferric dimethylarsenate, whereas 5 mils of the said Endoferarsan with glycerophosphates contained not more than 0.0333 gram (0.51 grain) of ferric dimethylarsenate; 5 mils of the Endoferarsan was represented to contain 0.065 gram (1 grain) of ferric dimethylarsenate and 0.2 gram (3 grains) of sodium dimethylarsenate, which represents an equivalent of 0.1234 gram (1.9 grains) total arsenic trioxide, whereas 5 mils of said Endoferarsan contained less ferric dimethylarsenate and sodium dimethylarsenate than represented, namely, not more than the equivalent of 0.0208 gram (0.32 grain) of total arsenic trioxide; and 5 mils of the emetine hydrochloride was represented to contain 32 milligrams (one-half grain) of emetine hydrochloride, whereas 5 mils of said emetine hydrochloride contained not more than 0.0194 gram (0.3 grain) of emetine hydrochloride.

Misbranding of the articles was alleged for the reason that the statements, to wit, "Five mils represent Quinine Hydrochloride 0.5 gram (7½ grains)," with respect to the Endoquin, "Five mils represent Ferric Dimethylarsenate 0.065 gram (1 grain)," with respect to the Endoferarsan with glycerophosphates, "Five mils represent Ferric Dimethylarsenate 0.065 gram (1 grain), Sodium Dimethylarsenate 0.2 gram (3 grains)," with respect to the Endoferarsan, and "Five mils represent 32 milligrams (½ gr.) of Emetine Hydrochloride," with respect to the emetine hydrochloride, borne on the labels attached to the ampuls containing the respective articles, were false and misleading in that the said statements represented that the articles contained the said ingredients in the proportions declared on the labels, whereas they did not, but contained the said ingredients in a less amount than so declared.

On November 14, 1928, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16093. Misbranding of olive oil. U. S. v. 29 Cartons, et al., of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22076. I. S. Nos. 16770-x, 16771-x, 16773-x. S. No. 119.)**

On October 3, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently an amendment