

7156. Adulteration of condensed skimmed milk. U. S. * * * v. 100 Cases of Condensed Skimmed Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9759. I. S. No. 16246-r. S. No. E-1248.)

On February 19, 1919, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 4 dozen cans of condensed skimmed milk, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped on or about September 8, 1917, by P. E. Sharpless Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Georgia, 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 consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 18, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7157. Misbranding of olive oil and cottonseed salad oil. U. S. * * * v. 161 Cans of Olive Oil and 59 Cans of Cottonseed Salad Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9761. I. S. Nos. 2566-r, 2567-r, 2570-r. S. No. W-277.)

On or about February 18, 1919, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 161 cans of olive oil and 59 cans of cottonseed salad oil, consigned on April 12, 1918, and November 3, 1917, by R. Gerber & Co., Chicago, Ill., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the cans were in package form, and the contents stated in terms of measure, and the measure of the contents was not correctly stated on the outside of the package; that on each and every can the measure of the contents was overstated; that the gallon cans of olive oil were stated to contain "1 Gal. Net," when, in fact, said cans did not contain 1 gallon net, but each and every one of said cans contained less than 1 gallon net, to wit, 3.58 per cent less than a gallon; that the half-gallon cans of olive oil were stated to contain " $\frac{1}{2}$ Gal. Net," when, in fact, said cans did not contain $\frac{1}{2}$ gallon net, but each and every one of said cans contained less than a half gallon net, to wit, 5.55 per cent less than a half gallon; that the quart cans of olive oil were stated to contain "Net 1 Full Quart" and "Contents 1 Quart," when, in fact, said cans did not contain 1 quart, but each and every can contained less than a quart; that 20 of said quart cans each contained 5.54 per cent less than a quart, and 48 of said quart cans each contained 2.58 per cent less than a quart; that the gallon cans of cottonseed oil were stated to contain "1 Gal. Net," when, in fact, said cans did not contain 1 gallon net, but each and every one of said cans contained less than 1 gallon, to wit, 4.72 per cent less than a gallon; that the half-gallon cans

of cottonseed oil were stated to contain " $\frac{1}{2}$ Gal. Net," when, in fact, said cans did not contain $\frac{1}{2}$ gallon net, but each and every one of said cans contained less than $\frac{1}{2}$ gallon, to wit, 6.49 per cent less than a half gallon; that the quart cans of cottonseed oil were stated to contain " $\frac{1}{4}$ Gal. Net," when, in fact, said cans did not contain $\frac{1}{4}$ gallon net, but each and every one of said cans contained less than $\frac{1}{4}$ gallon, to wit, 9.02 per cent less than $\frac{1}{4}$ gallon.

On March 26, 1919, Jay J. Gerber and Norman J. Gerber, copartners, doing business as R. Gerber & Co., claimants, having admitted that the product was misbranded and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the cost of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the product should not be sold without the measure of the contents being plainly and correctly stated on the outside of each package.

E. D. BALL, *Acting Secretary of Agriculture.*

7158. Misbranding of Rival Herb Tablets. U. S. * * * v. 144 Boxes of Rival Herb Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9762. I. S. No. 5624-r. S. No. C-1073.)

On February 26, 1919, 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 for the seizure and condemnation of 144 boxes of Rival Herb Tablets, at Chicago, Ill., alleging that the article had been shipped on January 21, 1919, by the Rival Herb Co., Detroit, Mich., and transported from the State of Michigan into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of aloes, podophyllum resins, capsicum, buchu, and plant extractives, in the form of tablets coated with calcium carbonate and sugar.

Misbranding of the article was alleged for the reason that the statement borne on the labels, to wit, "Rival Herb Tablets Chocolate Coated," was false and misleading in that it led the purchaser to believe that the article was chocolate coated, whereas, in truth and in fact, it was not chocolate coated. It was alleged in substance that the article was misbranded for the further reason that certain statements regarding the curative or therapeutic effect of the article, appearing on the carton and in the circular inclosed in the carton, falsely and fraudulently represented the article as a remedy for dyspepsia, liver and kidney disorder, rheumatism, la grippe, stomach trouble, female complaints, lame back, nervous affection, sick headache, eczema, catarrh, all skin and blood diseases, diseases arising from bad blood, inactive stomach, liver or kidneys, derangements of the digestive organs, torpidity of the liver, constipation, weakened action of the kidneys or skin, defective and impure blood supply, loss of nervous energy, and all diseases dependent upon malnutrition, deranged secretion and excretion, bad breath, biliousness, bad circulation, gout, influenza, nervous prostration, neuralgia, neurasthenia, or any other nervous disorder, scrofula, ulcers, glandular swellings, black heads, pimples, salt-rheum, itching and sores, Bright's disease, backache, painful, profuse and suppressed menstruation, bloating and spinal tenderness, pains in the groins and abdomen, congestion and inflammation of the womb and ovaries, etc., for painless childbirth and prompt recovery after delivery, whereas, in truth and in fact, it was not.