

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part on the cartons as follows, (25-cent and 50-cent sizes) "* * * Recommended for Kidney and Liver Disease, Fever and Ague, Rheumatism, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, Indigestion, Neuralgia, Nervous Affection, Dyspepsia, * * * and all Syphilitic Diseases * * *," (\$1 size) "* * * Recommended for Blood Diseases, such as Rheumatism, Kidney and Liver Diseases, Fever and Ague, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, * * * Indigestion, Neuralgia, Nervous Affection, Dyspepsia * * *," which said statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11042. Adulteration of shell eggs. U. S. v. Joe Milton Arnold and Richard Wesley Newman (Arnold & Newman). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 15593. I. S. No. 3358-t.)

On April 3, 1922, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joe Milton Arnold and Richard Wesley Newman, co-partners, trading under the firm name of Arnold & Newman, Baldwyn, Miss., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about September 27, 1921, from the State of Mississippi into the State of Alabama, of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 30 eggs from the consignment showed that 23, or 6.4 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

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

On October 2, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11043. Adulteration of shell eggs. U. S. v. John Roper and Jesse W. Jones (Roper & Jones). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 15594. I. S. No. 1496-t.)

On April 3, 1922, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Roper and Jesse W. Jones, trading as Roper & Jones, Saltillo, Miss., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 20, 1921, from the State of Mississippi into the State of Alabama, of a quantity of shell eggs which were adulterated. The article was labeled in part: "* * * Roper & Jones, General Merchandise, Saltillo, Mississippi."

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed the presence of 53 inedible eggs, or 9.8 per cent of those examined, which consisted of black rots, mixed or white rots, spot rots, and heavy blood rings.

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

On October 2, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11044. Misbranding of olive oil. U. S. v. 42 Cans, et al., of Olive Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16367, 16368. I. S. Nos. 15610-t, 15611-t, 15612-t, 15619-t, 15620-t. S. Nos. E-3810, E-3818.)

On May 5 and 10, 1922, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 42 7½-pound cans, 22 3¼-pound cans, 144 ¼-gallon cans, 15 gallon cans, and 20 ½-gallon cans of olive oil, in part at Newark and in part at

Elizabeth, N. J., alleging that the article had been shipped by the Bay Bee Oil Co., New York, N. Y., between the dates of October 5, 1921, and March 18, 1922, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Extra Sublime Pure Imported Olive Oil Blue Star Brand * * * Bay Bee Oil Company Importers & Packers Lucca, Italy. New York U. S. A. * * * 7½ Lbs. Net or 0.98 of One Gallon" (or "3¾ Lbs. Net or 0.98 of Half Gallon," "Quarter Gallon," "One Gallon," or "Half Gallon").

Misbranding of the article was alleged in substance in the libels for the reason that the statements borne respectively on the said cans regarding the net quantity of the article contained therein, to wit, "7½ Lbs. Net or 0.98 of One Gallon," "3¾ Lbs. Net or 0.98 of Half Gallon," "Quarter Gallon," "One Gallon," and "Half Gallon," as the case might be, were false and misleading, since the said cans did not contain the amount of the article declared on the said labels but did contain a less quantity, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained the net quantity of the article as labeled thereon, whereas, in truth and in fact, the said cans contained 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, since the net quantity stated on the labels of the respective-sized cans was more than the actual contents of the said packages.

On June 23, 1922, the Bay Bee Oil Co., New York, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be relabeled to the satisfaction of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11045. Adulteration of chloroform. U. S. v. 32 Tins, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16202, 16509, 16510, 16511, 16512. S. Nos. E-3972, E-4001, E-4002, E-4012, E-4031.)

On June 26, June 30, and July 6, 1922, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information for the seizure and condemnation of 142 ½-pound tins of chloroform, in various lots at Malden, Gloucester, Fall River, Haverhill, and New Bedford, Mass., respectively, alleging that the article had been shipped from New York, N. Y., between the dates of April 18 and June 1, 1922, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, that it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products, and that upon evaporation it left a foreign odor.

Adulteration of the article was alleged in substance in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and the standard of strength, quality, and purity of the said article was not declared on the containers thereof.

On September 5, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11046. Adulteration of raisins. U. S. v. 900 Boxes of Raisins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16519.)

On July 7, 1922, the United States attorney for the District of Wyoming filed in the District Court of the United States for said district a libel for the seizure and condemnation of 900 boxes of raisins, at Rock Springs, Wyo., alleging that the article had been shipped and transported on or about December 1,