

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article in each shipment was alleged in substance for the reason that the statements, to wit, "Qualita Superiore," "Olio Puro," "Garantito Sotto Qualsiasi Analisi Chimica," "Guaranteed under the Pure Food and Drugs Act June 30, 1906," and "1 Gallon Net," together with the designs and devices of the map of Italy and the Italian flag, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented and were such as to deceive and mislead the purchaser into the belief that the article was olive oil, and that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy; that said article was guaranteed by the United States Government, and that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and was not guaranteed by the United States Government, and each of said cans did not contain 1 gallon net of the article, but contained a less amount; and for the further reason that the statements borne on the cans purported that said article was a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 23, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

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

**6960. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 22 Gallons of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 9459. I. S. No. 14265-r. S. No. E-1161.)

On November 20, 1918, 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 a libel for the seizure and condemnation of 22 gallons of a product purporting to be olive oil, at New York, N. Y., alleging that the article had been originally shipped by Arony & Papitsas to Antonio Laberto, La Salle, Ill., and returned by said consignee on or about October 12, 1918, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: "Tipo Lucca Olio Sopraffino Stella d'Oro packed by Arony and Papitsas N. Y.,  $\frac{1}{4}$  Gallon Net (also)  $\frac{1}{2}$  Gallon Net," (design of olive branch bearing olives and basket with olive branch bearing olives), and in inconspicuous type inconspicuously placed, "compound of cottonseed and olive oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been substituted almost entirely for olive oil.

Misbranding of the article was alleged in substance for the reason that the statements, designs, and devices, referred to above, not corrected by the inconspicuous statement "compound of cottonseed and olive oil," were false and misleading and misled the purchaser, and for the further reason that it was an imitation of another article, to wit, olive oil. Misbranding of the article was

alleged in substance for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On April 16, 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 labeled as cottonseed oil and sold by the United States marshal.

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

**6961. Adulteration of Seawright Water. U. S. \* \* \* v. 9 Cases of Seawright Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9466. I. S. No. 15257-r. S. No. E-1167.)

On November 23, 1918, 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 for the seizure and condemnation of 9 cases, each containing twelve  $\frac{1}{2}$ -gallon bottles of Seawright Water, consigned on or about September 26, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Seawright Magnesians Lithia Spring Co., Staunton, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

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

On January 7, 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.*

**6962. Misbranding of Texas Wonder. U. S. \* \* \* v. 121 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9468. I. S. No. 6282-r. S. No. C-1012.)

On December 3, 1918, the United States attorney for the Western District of Texas, 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 121 bottles of Texas Wonder at Waco, Texas, alleging that the article had been shipped on or about November 8, 1918, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On carton) "The Texas Wonder. Hall's Great Discovery for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism, Gravel, Regulates Bladder Trouble in Children." (In circular) "Louis A. Portner \* \* \* testified he began using the Texas Wonder for stone in the kidneys \* \* \* and tuberculosis of the kidneys \* \* \* He was still using the medicine with wonderful results and his weight had increased."

Examination of a previous sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of oleoresin of copaiba, rhubarb, turpentine, guaiac, and alcohol.

It was alleged in substance in the libel that the article was misbranded for the reason that certain statements borne on the carton and included in the circular accompanying the article falsely and fraudulently represented that the article contained ingredients or medicinal agents, effective, among other things, for the cure of kidney and bladder troubles, diabetés, weak and lame backs,