

S097. Misbranding of Madame Dean Antiseptic Suppositories. In the Matter of 2 Boxes of Madame Dean Antiseptic Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11531. I. S. No. 8544-r. S. No. C-1606.)

On November 26, 1919, the United States attorney for the Western District of Michigan, 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 a certain quantity of a certain article, labeled in part "Madame Dean Antiseptic Suppositories," remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped on or about May 7, 1919, by Martin Rudy, doing business under the name of The United Medical Co., Lancaster, Pa., and transported from the State of Pennsylvania into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the suppositories consisted essentially of a bismuth salt, alum, boric acid, tannin, and a small amount of plant drug in a cacao butter base.

Misbranding of the article was alleged in the libel in that certain statements appearing on the label on the package containing, and in the circular accompanying the article, regarding the curative or therapeutic effects of the article, falsely and fraudulently represented the article to be effective for the relief of vaginitis, vulvitis, gonorrhœal inflammation, leucorrhœal discharge, inflammation, congestion, and ulceration of the vagina, and leucorrhœa or whites, whereas, in truth and in fact, it was not effective.

On January 16, 1920, 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.

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

S098. Adulteration and misbranding of olive oil. U. S. * * * v. Accursio Dimino. Plea of guilty. Fine, \$50. (F. & D. No. 11977. I. S. No. 13829-r.)

On January 28, 1920, 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 Accursio Dimino, New York, N. Y., alleging shipment by said defendant, on or about January 31, 1919, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part, "1 Gallon Net Qualità Superiore" (map of Italy and Sicily, cut of girl with Italian flag, and map of Tripolitania), "Olio Puro Garantito Sotto Qualsiasi Analisi Chimica, Guaranteed Under the Pure Food and Drugs Act, June 30, 1906 Garantito Sotto La Legge Del 30 Giugno 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of cottonseed oil and corn oil, and that the cans were short volume.

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

Misbranding of the article was alleged for the reason that the statements "Qualità 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 design and device of the map of Italy and the Italian flag, were false and misleading, and deceived and misled the purchaser in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, that it was guaranteed by the United States Government, and that each of the cans contained 1 gallon of the article, whereas, in truth and in fact, the article was not olive oil, but was a mixture composed in large part of cottonseed oil and corn oil, and the article was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, and it was not guaranteed by the United States Government, and each of the cans did not contain 1 gallon of the article, but did contain a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On June 30, 1920, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

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

S099. Adulteration of ice cream cones. U. S. * * * v. 40 Cases of Ice Cream Cones * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12658. I. S. No. 16588-r. S. No. E-2194.)

On May 25, 1920, the United States attorney for the Northern 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 40 cases of ice cream cones, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about March 17, 1920, and transported from the State of South Carolina into the State of Georgia, 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, decomposed, and putrid vegetable substance, the product containing musty, rancid, and worm-eaten cones, also weevils and mold.

On June 30, 1920, 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.

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

S100. Adulteration and misbranding of oats. U. S. * * * v. International Grain Co., a Corporation. Plea of guilty. Fine, \$340. (F. & D. No. 9507. I. S. Nos. 13018-p to 13021-p, inclusive, 13023-p 13024-p, 13026-p, 13027-p, 13029-p to 13050-p, inclusive, 13052-p to 13089-p, inclusive.)

On October 13, 1919, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 136 counts against the International Grain Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 23, 1918, from the State of Minnesota into the State of Virginia, of 37 carloads, on March 25, 1918, from the State of Minnesota into the State of Maryland, of 30 carloads, on April 6, 1918, from the State of Minnesota into the State of Maryland of 1 carload of an article, each shipment of which was billed as oats or white oats, and in each shipment of which the article was adulterated and misbranded.