

On February 24, 1920, 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.

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

**9053. Misbranding of olive oil. U. S. \* \* \* v. Gabriel Carbateas and Nicholas S. Monahos (N. S. Monahos). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 11979. I. S. No. 8826-r.)**

On June 21, 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 Gabriel Carbateas and Nicholas S. Monahos, copartners, trading as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 10, 1919, from the State of New York into the State of Illinois, of a quantity of olive oil which was misbranded. The article was labeled in part, "Lemnos Brand Olio di Oliva Puro Net Contents  $\frac{1}{4}$  Gallon."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.2 per cent less than the declared amount.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents  $\frac{1}{4}$  Gallon," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the cans contained  $\frac{1}{4}$  gallon net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained  $\frac{1}{4}$  gallon net thereof, whereas, in truth and in fact, each of said cans did not contain  $\frac{1}{4}$  gallon net of the article, but did contain 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.

On June 23, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

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

**9054. Misbranding of The Texas Wonder. U. S. \* \* \* v. 4 Dozen Bottles of \* \* \* The Texas Wonder. Default decree of destruction. (F. & D. No. 12064. I. S. No. 592-r. S. No. E-1914.)**

On January 5, 1920, the United States attorney for the Southern District of Florida, 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 4 dozen bottles, more or less, of an article labeled in part "The Texas Wonder," at Jacksonville, Fla., consigned by E. W. Hall, St. Louis, Mo., alleging that the article had been shipped on or about December 1, 1919, and transported from the State of Missouri into the State of Florida, 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 it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the cartons inclosing the article and the circulars accompanying it contained the following statements, regarding the curative and therapeutic effect of said article, (carton) "\* \* \* \* A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder