

10205. Adulteration and misbranding of oil. U. S. * * * v. 25 Cans of Olio La Viva Italia Brand Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13682. I. S. No. 6336-t. S. No. E-2749.)

On September 27, 1920, the United States attorney for the District of New Jersey, 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 25 cans of Olio La Viva Italia Brand oil, at Paterson, N. J., alleging that the article had been shipped by Poleti, Coda & Rebecchi, New York, N. Y., on or about August 3, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that soya bean [oil] had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged in substance for the reason that the package containing the article bore the statements, designs, or devices regarding the said article or the ingredients or substances contained therein, to wit, "Olio La Viva Italia Brand * * * Superior in Quality, Purity, Economy & Flavor To Olive Oil * * * Fine Edible Salad Oil Blended With Pure Olive Oil * * * Net Contents 1 Gallon * * * La Viva Italia Brand Oil For Salad Mayonnaise Cooking Frying Olio La Viva Italia Brand Garantito Puro Eccellente Da Tavola," which were false and misleading and deceived and misled the purchaser.

On July 11, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

10206. Misbranding of Parry's vegetable compound. U. S. * * * v. 20 Bottles of * * * Parry's Vegetable Compound No. 2, et al. Decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 13773, 13774. I. S. Nos. 8629-t to 8638-t, inclusive. S. Nos. E-2820 to E-2829, inclusive.)

On or about October 30, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain bottles of Parry's vegetable compound, namely, 7 bottles No. 1, 50 bottles No. 2, 16 bottles No. 3, 11 bottles No. 4, 13 bottles No. 6, 5 bottles No. 9, 11 bottles No. 10, 11 bottles No. 11, and 6 bottles No. 12, remaining unsold in the original unbroken packages at Morgantown and Clarksburg, W. Va., respectively, alleging that the articles had been shipped by the Parry Medicine Co., Inc., Pittsburgh, Pa., on or about August 12 and 24 and September 15 and 28, 1920, respectively, and transported from the State of Pennsylvania into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they consisted of olive oil, alcohol, and water, flavored with various essential oils.

Misbranding of the articles was alleged in substance in the libels for the reason that the labels thereof contained the following statements, respectively, regarding the curative and therapeutic effects of the said articles, "Parry's Vegetable Compound No. 1 * * * Cancer * * * For Tuberculosis, Lungs, Bones or Flesh, Gallstones or Tapeworm * * *," "* * * No. 2 * * * Cancer * * * For Cancer, Catarrh, Head Noises, Tumors, Adenoids, Hemorrhoids, Piles, Appendicitis, Asthma, Goiter, Typhoid and all other Fevers * * *," "* * * No. 3 * * * Cancer * * * For Bright's Disease, Bladder, Kidneys, Influenza and for Weak Women * * *," "* * * No. 4 * * * Cancer * * * For Stomach, Bowel Trouble, Black Plague and Leprosy * * *," "* * * No. 6 * * * Cancer * * * For Eczema, Pimples, Skin Disease, Scalds, Burns, and Smallpox * * *," "* * * No. 9 * * * Cancer * * * For Insanity, Fits, Paralysis, Meningitis, Mad Dog and Snake Bite * * *," "* * * No. 10 * * * Cancer * * * For Heart, Kidneys, Nose and Throat * * *," "* * * No. 11 * * * Cancer * * * For Nervous Troubles, Rheumatism and Saint Vitis Dance * * *," "* * * No. 12 * * * Cancer * * * For Nerves, Gall Stones, Curvature of Spine and Deformity * * *," which statements were false and fraudulent in that the said articles contained no drugs and no sub-

stances or ingredients and no combination of ingredients capable of producing the effects claimed.

On May 6, 1921, the Parry Medicine Co., Pittsburgh, Pa., having entered an appearance as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$400, in conformity with section 10 of the act, conditioned in part that the products be not sold or disposed of until they had been relabeled in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10207. Adulteration and misbranding of sparkling Burgundy. U. S. * * * v. 16 Bottles of Sparkling Burgundy * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13785. I. S. Nos. 7828-t, 7829-t. S. No. E-2797.)

On February 1, 1921, the United States attorney for the District of New Jersey, 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 16 bottles of sparkling Burgundy, remaining unsold at Newark, N. J., alleging that the article had been shipped by Miles Gilman, Philadelphia, Pa., on or about September 8, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, an artificially carbonated mixture containing a small amount of alcohol, traces of sucrose and tartaric acid, but no glycerol (a substance always present in Burgundy or any wine), had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for nonalcoholic Burgundy, which the said article purported to be; and for the further reason that an artificially carbonated mixture containing a small amount of alcohol, traces of sucrose and tartaric acid, but no glycerol, had been mixed with the said article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements labeled on the said bottles, regarding the article and the ingredients contained therein, to wit, (quart and pint bottles) "H. G. Mumm & Co. Sparkling Burgundy Non-alcoholic P. J. De Centau, Bordeaux, France, H. G. Mumm & Co., New York and Chicago," were false and misleading in that the said labeling constituted a design and device which was false and misleading and deceived and misled the purchaser into the belief that the article was a product put up by the firm of H. G. Mumm & Co., that it was a foreign product, and that it was non-alcoholic, whereas, in truth and in fact, the said article was manufactured by the Vin Aora Corp. of New York City for H. G. Mumm & Co., a party by the name of Mumm having permitted the use of the name of H. G. Mumm & Co., and the said article contained a small amount of alcohol. Misbranding was alleged for the further reason that the article was a product composed of the above-named ingredients, prepared in imitation of Burgundy wine and offered for sale under the distinctive name of another article, to wit, H. G. Mumm & Co. Sparkling Burgundy. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly, correctly, and conspicuously marked on the outside of the package.

On January 19, 1922, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

10208. Adulteration of tomato catsup. U. S. * * * v. 75 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13838. I. S. No. 5224-t. S. No. E-2856.)

On November 2, 1920, the United States attorney for the District of Massachusetts, 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 75 cases of tomato catsup, remaining in the original packages at Springfield, Mass., consigned by the Ellis Canning Co., Angola, N. Y., on or about September 21, 1920, alleging that the article had been shipped from Angola, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs