

Adulteration of the article was alleged in the libels for the reason that coca [cocoa] shells had been mixed and packed with, and substituted wholly or in part for, chocolate and chocolate coating.

On September 2 and 3, 1921, respectively, the Riesener Chocolate Co., San Francisco, Calif., claimant, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to 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.

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

10242. Misbranding of olive oil. U. S. * * * v. 48 Gallon Cans of * * * Olive Oil, et al. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 15334, 15345. I. S. Nos. 5486-t, 5092-t, 5093-t, 5094-t. S. Nos. E-3519, E-3536.)

On July 29 and August 5, 1921, 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 for the seizure and condemnation of 48 gallon cans, 15 half-gallon cans, 24 quarter-gallon cans, and 32 eighth-gallon cans of olive oil, consigned May 3 and May 20, 1921, respectively, remaining in the original unbroken packages at Lawrence and Fall River, Mass., respectively, alleging that the article had been shipped by the Alpha Importing Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Marconi Brand Finest Pure Olive Oil * * * One Full Gallon," "Half Full Gallon," "Quarter Full Gallon" or "Eighth Full Gallon."

Misbranding of the article was alleged in the libels for the 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. Misbranding was alleged with respect to the shipment of May 20 for the further reason that the package or label bore a statement, design, or device regarding the article or the ingredients or substances contained therein, which was false and misleading and deceived and misled the purchaser.

On January 27, 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 sold by the United States marshal.

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

10243. Misbranding of Castleberry's sexual pills and Fackler's compound extract of damiana. U. S. * * * v. 10 Dozen Boxes of Castleberry's Sexual Pills and 5 Dozen Bottles of Fackler's Compound Extract of Damiana. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15356. I. S. Nos. 9178-t, 9179-t. S. Nos. E-3567, E-3568.)

On September 2, 1921, 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 10 dozen boxes of Castleberry's sexual pills and 5 dozen bottles of Fackler's compound extract of damiana, at Columbus, Ga., alleging that the articles had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about June 21 and 24, 1921, respectively, and transported from the State of Missouri into the State of Georgia, 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 the Castleberry's sexual pills contained an iron compound, extracts of cantharides and nux vomica, calcium carbonate, and sugar; and that the Fackler's compound extract of damiana contained extracts of plant drugs, including nux vomica, damiana, and saw palmetto, extract of cantharides, sugar, alcohol, and water.

Misbranding of the articles was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects thereof, appearing in the labeling of the respective articles, to wit, (Castleberry's pills) (carton and circular) "* * * Sexual Pills * * * For Hysteria, Dizziness, Nervous Prostration, Nervous Debility and General Weakness * * *," (Fackler's compound extract of damiana) (bottle) "* * * A Tonic for Both Sex * * *" (carton) "* * * A Liquid

Aphrodisiac * * * Useful In Nervous Debility. * * * For General Weakness * * *” were false and fraudulent in that the said statements were applied to the articles so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the said articles were effective as treatments and remedies for the diseases mentioned therein, whereas, in truth and in fact, they contained no ingredients or combination of ingredients capable of producing the effects claimed.

On December 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

10244. Adulteration and misbranding of alleged olive oil. U. S. * * * v. 10 Gallons of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15376. I. S. No. 5091-t. S. No. E-3517.)

On or about August 2, 1921, 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 10 gallons of a product purporting to be olive oil, remaining in the original unbroken packages at Fall River, Mass., consigned on or about June 4, 1921, alleging that the article had been shipped by the Armenian Importing Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, 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 it consisted in whole or in part of cottonseed oil, which had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not olive oil.

On November 14, 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 sold by the United States marshal in a package properly branded to show the said product to be cottonseed oil.

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

10245. Adulteration and misbranding of noodles. U. S. * * * v. 10 Boxes, 14 Boxes, and 28 Boxes of Noodles. Default decrees of condemnation and forfeiture. Product delivered to the Salvation Army for consumption and not for sale. (F. & D. Nos. 15417, 15417-a. I. S. Nos. 15428-t, 15429-t. S. No. E-3597.)

On October 19 and 21, 1921, respectively, 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 libels for the seizure and condemnation of 10 boxes, 14 boxes, and 28 boxes of noodles, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Cleveland Macaroni Co., Cleveland, Ohio, on or about November 4, 1920, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled "Fine Egg Noodles." The remainder of the article was labeled in part: "* * * Excellenca Brand High Grade Durum Flour Noodles * * * The Cleveland Macaroni Co. * * * Cleveland, Ohio Contain Egg * * *."

Adulteration of the article was alleged in substance in the libels for the reason that a substance, water noodles, had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged with respect to a portion of the article for the further reason that it was mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels of the said article bore the statements, respectively, "* * * Noodles * * * Contain Egg" and "Fine Egg Noodles," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article. Misbranding was alleged with respect to the portion of the article labeled "Fine Egg Noodles" for the further reason