

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

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 December 16, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the labels on the boxes containing the product be obliterated by the United States marshal, and that the product be delivered to the Salvation Army for consumption and not for sale.

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

10246. Adulteration of oysters. U. S. * * * v. John A. White (White's Old Stand). Plea of guilty. Fine, \$15. (F. & D. No. 15441. I. S. Nos. 8733-t, 8803-t, 8804-t.)

On November 29, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against John A. White, trading as White's Old Stand, Washington, D. C., alleging that on January 12 and 26 and February 25, 1921, respectively, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and for the further reason that a valuable constituent of the said article, to wit, oyster solids, had been in part abstracted.

On November 29, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

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

10247. Adulteration of canned salmon. U. S. * * * v. 498 Cases of Salmon * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15516. I. S. No. 10922-t. S. No. W-1019.)

On November 3, 1921, the United States attorney for the Western District of Washington, 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 498 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pybus Bay Fish & Packing Co., Pybus Bay, Alaska, September 26, 1921, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pybus Bay Brand Choice Pink Alaska Salmon * * * Packed By Pybus Bay Fish and Packing Co., Cannery * * *"

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 25, 1921, the Admiralty Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$50, in conformity with section 10 of the act, conditioned in part that the product be destroyed or sold as fertilizer, under the supervision of this department.

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

10248. Adulteration and misbranding of cider vinegar. U. S. * * * v. 15 Barrels * * * of Alleged Cider Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15541. I. S. No. 5470-t. S. No. E-3635.)

On November 7, 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 15 barrels of alleged cider vinegar, remaining in the original unbroken packages at Lynn, Mass., alleging that the article had been shipped