

branes of the air passages with the consequent risk of a multiplication of cells, filling up a greater or less number of the air vesicles of the lungs; generally those of the apex, and then, consumption, or malignant attacks of the lungs and bronchial tract results. \* \* \* It is, therefore, of vital importance that sufferers take the treatment Lung Germine, which has a decided influence upon the general condition of the system, alleviating the cough and night sweats, aiding expectoration, increasing the strength and general health of the sufferer, and often retarding, if not arresting, the pulmonary disorganization. Lung Germine contains \* \* \* only such ingredients as are of recognized therapeutic value for the treatment of the conditions as outlined. One of the ingredients \* \* \* is recognized \* \* \* as a nutrient of inestimable influence during phthisis. \* \* \* it does more good than all other remedies of the Pharmacopœia (Standard authority for medicines) combined. \* \* \* Lung Germine has been proven beyond question to possess a remarkable beneficial influence; it has produced splendid results \* \* \* relieving defective nutrition, with its consequent pallor, anemia, night sweats, excessive coughing and expectoration of germ-laden mucous from the affected parts \* \* \* the coughing will become less and less and a general improvement may be confidently expected. \* \* \* the long record of extraordinary instances of relief which Lung Germine has produced should encourage every sufferer from incipient membranous lung disease \* \* \* No such sufferer should feel in the least discouraged about his or her condition, if Lung Germine has yet to be tried. \* \* \* If you are suffering from lung \* \* \* trouble that has not passed the incipient stage \* \* \* you are using the best medicine known for such afflictions when you use Lung Germine. \* \* \* consumption \* \* \* What To Do For Hemorrhage \* \* \* bleeding from the lung \* \* \* What To Do For Persistent Night Sweats Night sweats are a commonly recognized symptom of tuberculosis \* \* \* Consumption \* \* \* tuberculosis \* \* \* tubercle bacilli \* \* \* germs of tuberculosis \* \* \* " (other languages) "Lung Germine for chronic lung \* \* \* afflictions \* \* \* Lung Germine for chronic lung or bronchial diseases \* \* \* " which statements were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effect claimed.

On October 12, 1921, no claimant having appeared for the property, judgments of the court were entered ordering the destruction of the product by the United States marshal.

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

**10516. Adulteration and misbranding of oil. U. S. \* \* \* v. 200 One Gallon Cans, 100 One-Half Gallon Cans, and 24 One-Quarter Gallon Cans of \* \* \* La Provence Brand Oil, 6 One Gallon Cans of \* \* \* Caproni Brand Oil, et al. Consent decrees of condemnation and forfeiture entered with respect to the La Provence Brand oil and a portion of the Caproni Brand oil and said products released under bond. Default decrees of condemnation and forfeiture entered with respect to the remainder and products delivered to the Salvation Army for consumption. (F. & D. Nos. 15231, 15232, 15233, 15235, 15236, 15244, 15245, 15246, 15283, 15355. S. Nos. E-3470, E-3473, E-3474, E-3475, E-3467, E-3479, E-3483, E-3484, E-3495, E-3566. I. S. Nos. 6236-t, 6238-t, 6239-t, 6240-t, 6241-t, 6243-t, 6244-t, 6249-t, 6714-t, 7030-t, 15401-t, 15402-t, 15403-t, 15404-t, 15405-t, 15406-t, 15407-t.)**

On July 22, 26, and 27, August 5, and September 2, 1921, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district various libels and on August 11, 1921, amendments to certain of the said libels, praying the seizure and condemnation of 200 gallon cans, 100 half-gallon cans, and 24 quart cans of La Provence Brand oil, 12 gallon cans, 12 half-gallon cans, and 24 quart cans of Caproni Brand oil, 23 gallon cans of a compound of vegetable oils, and 14 gallon cans and 22 half-gallon cans of oil, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Littauer Oil Co., Guttenberg, N. J., between the dates May 4 and June 17, 1921, and transported from the State of New Jersey into the State of New York, and charging that a portion of the said articles was adulterated and misbranded and the remainder thereof misbranded, in violation of the Food and Drugs Act, as amended. The articles were labeled variously in part: "La Provence Brand Oil \* \* \* Pressed From Cotton Seeds \* \* \* Better Than Olive Oil \* \* \* Littauer Oil Co., Guttenberg, N. J."; "Caproni Brand Oil For Salads and Cooking Blended With Pure

Olive Oil \* \* \* Better Than Olive Oil \* \* \* One Gallon" (or "One Half Gallon" or "One Quart"); "Olio Puro Brand Olio Per Insalata Come L'Olio D'Oliva \* \* \* A Compound Of Vegetable Oils Blended With Pure Olive Oil One Gallon \* \* \*"; and "One Gallon" (or "One Half Gallon") "Olivolo Brand Olio Per Insalata Come L'Olio D'Oliva \* \* \* A Pure Salad Oil Blended With Olive Oil Packed by Littauer Oil Co. Guttenberg, N. J. \* \* \*

Adulteration of the Olio Puro Brand and the Olivolo Brand oils was alleged in the libels for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said articles, and for the further reason that they had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding of the said Olio Puro Brand and the Olivolo Brand oils was alleged for the reason that they were imitations of, and offered for sale under the distinctive name of, another article, and for the further reason that they purported to be foreign products when not so. Misbranding was alleged with respect to the said oils for the further reason that the package or label bore the above-quoted statements, designs, and devices regarding the articles or the ingredients and substances contained therein, together with the use of the Italian language, which were false and misleading and deceived and misled the purchaser. Misbranding of the La Provence Brand and the Caproni Brand oils was alleged for the reason that the statements on the respective containers, to wit, "One Quart," "One Gallon," or "One Half Gallon," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 25, 1921, the cases involving 200 one-gallon cans, 100 one-half gallon cans, and 24 one-quarter gallon cans of La Provence Brand oil and 6 one-gallon cans of Caproni Brand oil having been consolidated into one action, and the Littauer Oil Co., Guttenberg, N. J., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the alleged gallon cans be remarked, "3 quarts, 1 pint, 7 fluid ounces" and that the half-gallon cans be remarked "1 quart, 1 pint, 13 fluid ounces."<sup>1</sup> On February 6 and March 13 and 21, 1922, respectively, no claimant having appeared for the remainder of the oil, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the labels be obliterated from the cans and that the products be delivered to the Salvation Army for consumption and not for sale.

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

**10517. Adulteration of peaches. U. S. \* \* \* v. 26 Cases, \* \* \* 31 Cases, \* \* \* and 47 Boxes \* \* \* of Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15811. I. S. No. 15577-t. S. No. E-3820.)**

On March 27, 1922, 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 a libel for the seizure and condemnation of 26 cases, 31 cases, and 47 boxes of peaches, remaining unsold in the original unbroken packages at New York, N. Y., consigned by the Johnston-Cox-Mann Co., Marianna, Ark., alleging that the article had been shipped from Marianna, Ark., on or about March 8, 1922, and transported from the State of Arkansas into the State of New York, 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 whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 15, 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.*

<sup>1</sup> Seizure of the quarter-gallon cans was not effected.