

injuriously affect their quality and strength and had been substituted wholly or in part for olive oil, which the articles by their labelings and designs purported to be; and for the further reason that the said substances had been mixed with the said articles in a manner whereby their damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the respective labels and designs as above represented, borne on the cans containing the articles, regarding the said articles and the substances contained therein, constituted designs and devices which were false and misleading in that they represented that the articles were pure olive oil made in a foreign country, and that the cans containing the "Fabbrini Brand" contained one-quarter gallon thereof, whereas, in truth and in fact, the said articles were not foreign products and were not pure olive oil but were products composed wholly or in part of cottonseed oil, and the cans containing the said "Fabbrini Brand" contained less than one-quarter gallon thereof. Misbranding was alleged for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure olive oil and foreign products, whereas, in truth and in fact, they were not pure olive oil and were not foreign products but were products composed of cottonseed oil and peanut oil, or cottonseed oil, as the case might be. Misbranding was alleged in substance for the further reason that the articles were imitations of, and were offered for sale under the distinctive name of, another article; and for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 9, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

10536. Misbranding of peanut feed. U. S. * * * v. Steele By-Products Co., Inc., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14909. I. S. No. 9084-t.)

On June 21, 1921, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Steele By-Products Co., Inc., a corporation, Birmingham, Ala., alleging shipment by said company, on or about July 27, 1920, in violation of the Food and Drugs Act, from the State of Alabama into the State of Georgia, of a quantity of peanut feed which was misbranded. The article was labeled in part: "Little Coon Peanut Feed * * * Distributed By Steele By-Products Co., Inc., Birmingham, Ala. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 26.3 per cent of protein, 4.00 per cent of crude fat, and 33.4 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that it was labeled on the tag attached to the sack containing the said article, "Guaranteed Analysis Protein, not less than 30.00%, Fat, not less than 6.00% * * * Fibre, not more than 25.00%," which statement regarding the article and the percentage of protein, fat, and fiber, respectively, contained therein, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it contained not less than 30 per cent of protein, not less than 6 per cent of fat, and not more than 25 per cent of fiber, whereas, in truth and in fact, the said article contained less than 30 per cent of protein, less than 6 per cent of fat, and more than 25 per cent of fiber.

On November 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

10537. Misbranding of Gold Medal Brand sexual pills. U. S. * * * v. 10 Packages of Gold Medal Brand Sexual Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15512. Inv. No. 33821. S. No. C-3291.)

On November 4, 1921, the United States attorney for the Middle District of Alabama, 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 packages of Gold Medal Brand sexual pills, remaining in

the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the S. Pfeiffer Mfg. Co., St. Louis, Mo., on or about July 26, 1920, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Gold Medal Brand Sexual Pills For Vim, Vigor and Vitality."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained phosphorus and extracts of nux vomica and damiana.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling of the said article, regarding its curative and therapeutic effects, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 2, 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.*

10538. Misbranding of sour gherkins. U. S. * * * v. 37 Cases * * * of Sour Gherkins. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15921. I. S. No. 3918-t. S. No. C-3010.)

On January 16, 1922, the United States attorney for the Western District of Oklahoma, 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 37 cases, each containing 48 cans, of sour gherkins, remaining unsold in the original unbroken cases at Oklahoma City, Okla., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., on or about November 22, 1921, and transported from the State of California into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Case) "Del Monte Brand Quality Sour Gherkins California Packing Corporation San Francisco."; (can) "Del Monte Brand * * * Net Weight 12 Oz. Drained Weight 8½ Oz. * * *"

Misbranding of the article was alleged in substance in the libel for the reason that the cans containing the article were labeled as above quoted so as to deceive and mislead the purchaser, in that the said labels represented the cans to contain the net weight 12 ounces and drained weight 8½ ounces, when, in truth and in fact, they did not contain said quantity of food. Misbranding was alleged in substance for the further reason that the quantity of the contents of the said cans was not plainly and conspicuously marked on the outside thereof in that the said labels were marked "Net Weight 12 Oz. Drained Weight 8½ Oz.," when, in truth and in fact, the said cans did not contain the said quantity of food and the variation therefrom was unreasonable.

On May 13, 1922, the California Packing Corp., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered declaring the product to be misbranded and ordering that it 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 product be relabeled under the supervision of this department.

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

10539. Misbranding of Nunn's Black Oil healing compound. U. S. * * * v. 5 Dozen Large and ½ Dozen Small Bottles, et al., of Nunn's Black Oil Healing Compound. Default decrees of condemnation and forfeiture. Product ordered disposed of according to law. (F. & D. Nos. 16100, 16101. I. S. Nos. 13962-t, 13964-t. S. Nos. W-1069, W-1070.)

On April 17, 1922, the United States attorney for the Southern District of California, 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 5 dozen large and 6½ dozen small bottles of Nunn's Black Oil healing compound, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Dr. Nunn's Black Oil Co., Salt Lake City, Utah, alleging that the article had been shipped from Salt Lake City, Utah, August 26, 1921, and March 7, 1922, respectively, and transported from the State of Utah into