

follows, "This Food is prepared from Herbs, Seeds and Roots. It is prepared from purely vegetable ingredients * * * All the ingredients composing this Food are * * * Herbs; Seeds and Roots * * * It contains no Mineral whatever except salt," which said statements were false and misleading in that the said article contained approximately 1 per cent of sulphur. Misbranding was alleged in substance with respect to both products for the further reason that the following statements regarding the curative and therapeutic effects of the respective articles, appearing on the labels thereof, (food for hogs) "* * * prepared from purely vegetable ingredients, which * * * so thoroughly strengthen the entire system that the Hog Cholera microbe cannot find lodgment and will be thrown off without any harm to the animal. * * * Hog Cholera * * * the proper way is to invigorate the system by purely vegetable remedies, so that the microbe cannot find a lodging place in the system from which to do its deadly work. * * * 'Nonpareil Hog Food' will cure these milder forms, and, used as directed, will prevent Hog Cholera * * * One tablespoonful with slop for three hogs will prevent nearly all swine diseases. * * * A Specially Prepared Food which is a sure preventive of Cholera. * * * it will prevent hog cholera if fed regularly * * *," (food for stock) "* * * It will prevent and cure disease in all domestic animals * * * Cows fed on this Food will give * * * Richer Milk * * * Preventing Foot and Mouth diseases, Cholera, etc. * * * Calves. * * * keeps them free from scour. * * * Horses. * * * For Epizootic, * * * Kidney or Liver Trouble, * * * Influenza, * * * Cows * * * Will increase the * * * richness of milk. * * * Cattle. * * * Prevents disease, * * * Colts. * * * Prevents mange, * * * Calves. * * * Prevents skin disease, scours, etc. * * * For Colic. * * *," were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On September 29, 1921, no claimant having appeared for the property, judgments of the court were entered finding the products to be misbranded and ordering their destruction by the United States marshal.

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

10607. Adulteration and misbranding of colors. U. S. * * * v. W. H. Long & Co., Inc., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 15256. I. S. Nos. 3658-t, 3659-t, 14653-r.)

On October 13, 1921, 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 an information against W. H. Long & Co., Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 1, 1920, from the State of New York into the State of Pennsylvania, of a quantity of canary yellow color, and on or about March 13, 1920, from the State of New York into the State of Missouri, of quantities of brilliant orange color and violettine color, respectively, all of which were adulterated and misbranded. The articles were labeled in part, respectively: "Champion Colors * * * Brilliant Orange (Orange Shade) * * * Manufactured By W. H. Long & Co., New York, N. Y. * * *"; "Champion Colors * * * Violettine W #4 * * *"; and "Champion Colors * * * 'Guaranteed Food Colors' Canary Yellow (Egg Shade) * * *."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained excessive insoluble matter, sodium sulphate, and sodium chlorid, and that the brilliant orange contained tartrazine and fast red E, that the violettine W No. 4 contained fast red E, and that the canary yellow contained fast red A and Martius yellow.

Adulteration of the articles was alleged in substance in the information for the reason that substances, to wit, excessive amounts of sodium sulphate, sodium chlorid, and insoluble matter and certain noncertified colors, to wit, fast red E and tartrazine in the case of the brilliant orange, fast red E in the case of the violettine, and fast red A and Martius yellow in the case of the canary yellow, had been mixed and packed with the respective articles so as to lower and reduce and injuriously affect their quality and strength, and had been substituted wholly or in part for "Brilliant Orange (Orange Shade)" or "Guaranteed Food Colors," as the case might be, which the said articles purported to be. Adulteration was alleged in substance for the further reason that substances, to wit, noncertified colors, to wit, fast red E and tartrazine, fast red E, and fast red A and Martius yellow, as the case might be, and

excessive amounts of sodium sulphate, sodium chlorid, and insoluble matter had been mixed with the respective articles in a manner whereby their damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "* * * 'Guaranteed Food Colors' Brilliant Orange (Orange Shade) This package is guaranteed to contain only such colors which have been certified to the U. S. Dept. of Agriculture under F. I. D. 76-77-129. Certified Mixture No. WHL & Co. 4," "* * * 'Guaranteed Food Colors' All the colors in this mixture have been certified * * *," and "* * * 'Guaranteed Food Colors' Canary Yellow (Egg Shade) This package is guaranteed to contain only such colors which have been certified to the U. S. Dept. of Agriculture under F. I. D. 76-77-129. Certified Mixture No. WHL & Co. 5," borne upon the packages containing the respective articles, concerning the articles and the substances contained therein, were false and misleading in that the brilliant orange contained fast red E and tartrazine and the canary yellow contained fast red A and Martius yellow, which had not been certified to the U. S. Department of Agriculture under F. I. D. 76-77-129, to wit, Food Inspection Decisions Nos. 76, 77, and 129, and the violettine contained fast red E; a noncertified color. Misbranding of the brilliant orange and violettine was alleged in substance for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the brilliant orange contained only colors which had been certified to the U. S. Department of Agriculture under Food Inspection Decisions Nos. 76, 77, and 129, and that the violettine contained only guaranteed food colors, to wit, food colors which had been certified to the U. S. Department of Agriculture, whereas, in truth and in fact, the said brilliant orange contained fast red E and tartrazine and the said violettine contained fast red E, which were noncertified colors. Misbranding of the brilliant orange and the canary yellow was alleged in substance for the further reason that they were products containing noncertified colors, fast red E and tartrazine in the case of the brilliant orange, and fast red A and Martius yellow in the case of the canary yellow, and also contained arsenic and excessive amounts of sodium sulphate, sodium chlorid, and insoluble matter, prepared in imitation of, and offered for sale under the distinctive names of, other articles, to wit, "Brilliant Orange (Orange Shade)" and "Canary Yellow (Egg Shade)."

On October 17, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

10608. Misbranding of compound oil and adulteration and misbranding of olive oil. U. S. * * * v. 20 * * * Cans * * * of Compound Oil and 6 * * * Cans * * * of * * * Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15339, 15341. I. S. Nos. 15418-t, 15422-t. S. Nos. E-3538, E-3540.)

On August 8, 1921, the United States attorney for the District of New Jersey, 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 20 gallon cans of compound oil and 6 gallon cans of olive oil, so called, remaining unsold at Hoboken and Paterson, N. J., respectively, alleging that the articles had been shipped by I. Haber, New York, N. Y., on or about June 15, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding with respect to the former and adulteration and misbranding with respect to the latter, in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Prophet Brand Extra Fine Oil * * * A Compound * * *"; and "Olio d'Oliva Puro Importato * * * Napoli Brand * * *."

Misbranding of the articles was alleged in the libels for the 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 package, since the statements made thereon were not correct. Misbranding was alleged in substance for the further reason that the labels on the packages containing the respective articles bore the statement, to wit, "Net Contents One Gallon," and the labels on the packages containing the so-called olive oil bore the further statements regarding the said olive oil or the ingredients or substances contained therein, to wit, "Olio d'Oliva Puro Importato Pure Imported Olive Oil Napoli Brand * * * This imported olive oil is guaranteed to be absolutely pure and especially adapted for medicinal and table use," together with similar state-