

10737. Misbranding of olive oil. U. S. v. 8 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15152. I. S. No. 8362-t. S. No. E-3564.)

On September 2, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 8 cans of olive oil, at Washington, D. C., alleging that the article was being offered for sale and sold by Angelo Chicca at Washington, D. C., and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Imported Golden Gate Brand * * * Net Contents 1 Gallon * * * The European Export Corp. Washington, D. C., U. S. A. * * * Italy * * *"

Misbranding of the article was alleged in substance in the libel for the reason that the statement, to wit, "Net Contents 1 Gallon," borne on the cans containing the said article, concerning the net quantity of the olive oil contained therein, was false and misleading in that the said statement represented that the said cans contained 1 gallon net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, each of said cans contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Contents 1 Gallon," was not correct and represented more than the actual contents of the said package.

On October 5, 1921, the European Export Corp., claimant, having consented to a decree, judgment of condemnation and forfeiture was 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 a good and sufficient bond, in conformity with section 10 of the act.

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

10738. Adulteration of oysters. U. S. v. Henry Clark Bratten. Collateral of \$5 forfeited. (F. & D. No. 15266. I. S. No. 8792-t.)

On November 22, 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 Henry Clark Bratten, Washington, D. C., alleging that on January 12, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was decomposed.

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

On November 22, 1921, the defendant having failed to enter an appearance, the \$5 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

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

10739. Misbranding of salad oil. U. S. v. 22 Cases of Salad Oil. Consent decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. No. 15321. I. S. Nos. 5742-t, 5743-t, 5744-t. S. No. E-3544.)

On or about August 16, 1921, the United States attorney for the Western 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 22 cases of salad oil, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped on June 11, 1921, from Guttenberg, N. J., and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Gallon," or "One-Half Gallon," or "One Quart," "La Provence Salad Oil * * * Littauer Oil Company, Guttenberg, N. J."

Misbranding of the article was alleged in the libel for the reason that the following statements appearing on the cans, to wit, "One Gallon," "One-Half Gallon," "One Quart," were false, misleading, and fraudulent, and for the further reason that said article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 14, 1922, the Littauer Oil Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to the agent for said claimant, upon payment of the costs of the proceedings and execution of bond in the sum of \$400, in conformity with section 10 of the act.

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

10740. Adulteration of oysters. U. S. v. John W. Staley (You Street Oyster House). Plea of guilty. Fine, \$25. (F. & D. No. 15440. I. S. Nos. 8725-t, 8809-t.)

On January 18, 1922, 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 W. Staley, trading as the You Street Oyster House, Washington, D. C., alleging that on January 15 and 24, 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 with the said article so as to lower and reduce and injuriously affect its quality and for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On January 18, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

10741. Misbranding of "BRSCO." U. S. v. 138 Small and 70 Large Bottles of "BRSCO." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15535. S. No. C-3296.)

On or about October 8, 1921, the United States attorney for the Western District of Texas, 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 138 small and 70 large bottles of "BRSCO," at San Antonio, Tex., alleging that the article had been shipped on or about February 26, 1919, by BRSCO Medicine Co., Nowata, Okla., and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a liquid in two immiscible layers. The upper layer consisted of mineral oil with small quantities of turpentine oil, peppermint oil, and creosote. The lower layer consisted of water, alcohol, sugar, and small quantities of acacia and sodium and calcium phosphates, sulphates, and hypophosphites.

Misbranding of the article was alleged in the libel for the reason that the following statements, (carton and bottles) "BRSCO * * * For the Treatment of Tuberculosis In its Early Stages. Bronchitis Spanish Influenza Asthma and ordinary Coughs and Colds," (carton) "Hay Fever, Lagrippe," (leaflet) "Fine for La Grippe, Spanish Influenza, Asthma and Hay Fever * * * Attacks of Asthma * * * It will relieve this spasmodic contraction of the lungs and permit an inflow of the air so urgently needed * * * to remove the cause, and thus prevent in time such diseases and other ailments of the lungs * * * pains under the shoulder blades, or in chest and sides, night sweats, repeated hawking and coughing, or bleeding of the lungs. If neglected, one's condition grows worse rapidly and tuberculosis may follow. Take BRSCO. This wonderful lung balm is almost magical in its effect. It relieves the respiratory organs promptly, soothes inflamed parts and thus helps to destroy tubercular germ life. BRSCO Relief From Lung Torture," regarding the curative and therapeutic effect of the said drug or product, were false and fraudulent, for the reason that the same contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the following statement appearing in the leaflet, "BRSCO * * * is a combination of potent oils for the relief of tortured lungs," was false and misleading.

On May 29, 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.*