

10742. Adulteration of tomato pulp. U. S. v. 21 Cases of Triacan Brand Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15544. I. S. No. 3715-t. S. No. C-3299.)

On November 11, 1921, the United States attorney for the Eastern District of Illinois, 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 21 cases of tomato pulp, remaining unsold in the original unbroken packages at East St. Louis, Ill., alleging that the article had been shipped on or about February 18, 1921, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Triacan Brand Tomato Pulp * * * Packed by The Springville Canning Co. Springville, N. Y. Net Contents 6 lb 5 oz."

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

On July 3, 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.*

10743. Adulteration and misbranding of olive oil and table oil. U. S. v. 8 Gallon Cans of Olive Oil and 11 Cans and 37 Cans of Table Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15613, 15614. I. S. Nos. 1302-t, 1303-t, 1304-t. S. Nos. C-3314, C-3315, C-3316.)

On November 18, 1921, the United States attorney for the Eastern District of Illinois, 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 8 gallon cans of olive oil and 11 and 37 cans of table oil, remaining unsold in the original unbroken packages at Marion, Ill., consigned by S. A. Touris, New York, N. Y., alleging that the articles had been shipped on or about September 19, 1921, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles 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 articles.

Misbranding of the articles was alleged for the reason that the following statements, regarding the articles and the ingredients and substances contained therein, were false and misleading and deceived and misled the purchaser: (Olive oil) "Net contents full gallon;" and (table oil) "Finest Quality Table Oil Tipo Termini Imerese, one gallon net" (with design showing olive harvesting from olive tree), not sufficiently corrected by the inconspicuous statement, "Cottonseed Oil Slightly Flavored with Olive Oil." Misbranding was alleged for the further reason that said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and for the further reason, with respect to the table oil, that said article was an imitation of and was offered for sale under the distinctive name of another article.

On July 3, 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.*

10744. Misbranding of San-Methyl capsules. U. S. v. 11 Boxes of San-Methyl Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15794. S. No. E-3822.)

On March 23, 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 11 boxes of San-Methyl capsules, consigned by the Grape Capsule Co., Allentown, Pa., remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Allentown, Pa., on or about February 3, 1922, and transported from the State of Pennsylvania into the State of New York, 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 the capsules contained methylene blue, salol, and drugs of vegetable origin, including santal oil and cinnamon.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements, regarding the curative and therapeutic effect of the said article, appearing on the label of the package containing the same, falsely and

fraudulently represented it to be effective for gonorrhoea, gonorrhoeal rheumatism, gleet and urethral diseases generally, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

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.*

10745. Misbranding of grape jam. U. S. v. 11 Cases of Schühle's Grape Jam. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16187. I. S. No. 17016-t. S. No. E-3790.)

On March 2, 1922, 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 11 cases of Schühle's grape jam, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by A. N. Chappell & Co., Birmingham, Ala., on or about November 28, 1921, and transported from the State of Alabama into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Schühle's Pronounced Sheeley's Grape Jam John Schühle Net Weight 1 Pound * * * Put up and guaranteed by Schühle's Pure Grape Juice Co. Inc., Highland, Ulster Co. N. Y. * * *."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, to wit, "Net Weight 1 Pound," borne on the jars containing the article, was false and misleading in that the said statement represented that each of said jars contained 1 pound net of the 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 jars contained 1 pound net of the said article, whereas, in truth and in fact, each of said jars did not contain 1 pound net of the article but did contain a less amount. 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 Weight 1 Pound," was incorrect and represented more than the actual contents of the package.

On April 27, 1922, the Schühle's Pure Grape Juice Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might 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.

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

10746. Misbranding of oil. U. S. v. 18 Cans of Oil. Decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 16194. I. S. No. 17022-t. S. No. E-3846.)

On April 12, 1922, 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 said District, holding a district court, a libel for the seizure and condemnation of 18 cans, more or less, of oil, remaining unsold at Washington, D. C., alleging that the article had been shipped on or about February 9, 1922, by D. Lamp, New York, N. Y., and transported from the State of New York into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, in part: "Regina Brand Winterpressed Cottonseed Salad Oil Flavored with Pure Olive Oil. A Compound."

Misbranding of the article was alleged in the libel for the 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, since the stated quantity, to wit, "Net Contents, 1 Gallon," was incorrect and represented more than the actual contents of the package.

On May 21, 1922, the matter having come on for final disposition, 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.*

10747. Adulteration and misbranding of olive oil. U. S. v. 85 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16195. I. S. No. 17031-t. S. No. E-3850.)

On April 18, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme