

1 Quart," borne on the cans containing the articles, regarding the said articles, were false and misleading in that they represented that each of the said cans contained 1 gallon net, or 1 quart net, as the case might be, of the said articles, whereas, in truth and in fact, each of the said cans did not contain 1 gallon net or 1 quart net, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 17, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10879. Adulteration and misbranding of alimentary paste. U. S. v. 314 Cases of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16359. I. S. Nos. 17040-t, 17041-t, 17042-t, 17043-t. S. No. E-3887.)

On June 2, 1922, the United States attorney for the District of Maryland, 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 314 cases of alimentary paste, remaining in the original unbroken packages at Baltimore, Md., consigned on or about May 20, 1922, alleging that the article had been shipped by M. M. Talkin, Norfolk, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Carton) "Smith's Perfection Macaroni * * * Net Weight 16 Ozs. * * * Guaranteed * * * to conform with The U. S. Food and Drugs Act June 30, 1906. * * * Serial No. 14020 * * *." Another portion was labeled in part: (Shipping case) "25 Lbs. Bulk Net Weight Creamettes Elbow Macaroni * * *." The remainder of the article was unlabeled.

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.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "Guaranteed * * * to conform with The U. S. Food and Drugs Act. June 30, 1906 * * * Serial No. 14020 * * *," was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all of the said product 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 packages, in that it was not correctly stated on some of the packages and not stated at all on others. Misbranding was alleged with respect to all the said product for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On July 17, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10880. Misbranding of Rawleigh's all-medicine hog mixture. U. S. v. 24½ Dozen Cans, et al, of Rawleigh's All-Medicine Hog Mixture. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12971. I. S. No. 3262-r. S. No. W-620.)

On June 24, 1920, the United States attorney for the Northern District of California, 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 24½ dozen cans, 6 pounds each, 94 pails, 25 pounds each, 34 pails, 40 pounds each, and 4 drums, 100 pounds each, of Rawleigh's all-medicine hog mixture, remaining in the original unbroken packages at Oakland, Calif., consigned by W. T. Rawleigh Co., Freeport, Ill., alleging that the article had been shipped from Freeport, Ill., between the dates of October 23, 1918, and April 14, 1920, and transported from the State of Illinois into the State of California, 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 consisted essentially of a mixture of sodium thiosulphate, sodium phosphate, sodium bicarbonate, sodium sulphate, sodium chlorid,

iron sulphate, potassium nitrate, calcium carbonate, sulphur, charcoal, buckthorn, and ginger.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, appearing on the labels of the cans, pails, and drums containing the same, and in the accompanying booklet, (cans) "To Prevent Disease. * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts * * * Even hogs so sick with Cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well * * * Hog Cholera and Swine Plague * * * it is recommended as especially useful to help overcome and prevent these diseases, and has been found helpful in restoring hogs to health in many cases where they gave practically every symptom of being afflicted with one or the other of these diseases * * * Use Enough To Do Some Good * * * The Mixture should be given regularly at least several weeks to obtain appreciable benefit * * * Give it a trial, a thorough test, and you will be unusually well pleased with the results * * *," (pails and drums) "Rawleigh's All-Medicine Hog Mixture * * * directions inside in ten different languages," (booklet, directions in English and foreign languages) "To Prevent Disease * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts * * * Even hogs so sick with cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 25, 1922, C. M. Cooper, 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 the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act, conditioned in part that the product be made to conform to the provisions of the said act, under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10881. Adulteration and misbranding of olive oil. U. S. v. 18 Quarts and 11 Half-Gallons, et al, of Olive Oil. Default decrees of condemnation, forfeiture, and destruction or sale. (F. & D. Nos. 13964 to 13969, incl. I. S. Nos. 6506-t to 6513-t, incl. S. Nos. E-2891 to E-2895, incl., E-2897.)

On November 29, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on January 13, 1921, amendments to said libels, praying the seizure and condemnation of 67 quarts, 29 half-gallons, and 31 gallons of olive oil, remaining unsold in the original unbroken packages, in part at Danbury, New Britain, Waterbury, Norwalk, Ansonia, and Derby, Conn., respectively, alleging that the article had been shipped by Poletti, Coda & Rebecchi, New York, N. Y., between the dates of September 11 and October 7, 1920, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels as amended for the reason that cottonseed and soya-bean oils had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the product purporting to be olive oil.

Misbranding was alleged in substance for the reason that the labels on the cans containing the article bore certain statements, designs, and devices regarding the article and the ingredients and substances contained therein, to wit, "Olio La Viva Italia Brand (Design) Superior in quality, economy and flavor to Olive Oil Fine Edible Salad Oil Blended with Pure Olive Oil—A Compound Packed in New York. Net Contents 1 Quart * * *" (or "¾ Gallon") (or "1 Gallon"), which were so arranged as to type and location as to be false and misleading and to deceive and mislead the purchaser, in that they were and were intended to be of such a character as to induce the purchaser to believe that the said article was olive oil, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive