

further reason that the article was offered for sale under the distinctive name of another article, to wit, maize sugar fermented vinegar, and for the further 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.

On May 22, 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.*

10892. Misbranding of Allan's compound extract of damiana. U. S. v. 8 Bottles, et al, of Allan's Compound Extract of Damiana. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14989, 14990, 15076. S. Nos. C-3078, C-3079, C-3081.)

On July 18, 1921, the United States attorney for the Southern District of Mississippi, 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 8 bottles, 12 bottles, and 49 bottles of Allan's compound extract of damiana, remaining in the original unbroken packages at Terry, Utica, and Jackson, Miss., respectively, alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about February 1, 1918, and July 13 and August 7, 1920, respectively, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and bottle) "* * * A Tonic For Both Sex * * *;" (carton) "* * * Nerve and Brain Remedy * * * For Hysteria, Dizziness, Convulsions, Nervous Prostration * * * General Weakness * * * In Nervous Debility."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including nuxvomica, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof, appearing in the labels of the bottles and cartons containing the said article, were false and fraudulent in that the said article had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effect. Misbranding was alleged for the further reason that the article failed to bear on the label of the carton and bottle a statement of the quantity or proportion of alcohol it contained.

On November 7, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

10893. Misbranding of olive oil. U. S. v. 2 Cases and 8 Cans of Olive Oil. Default decrees of condemnation, forfeiture, and sale or destruction. (F. & D. Nos. 15079, 15080. I. S. Nos. 6678-t, 6679-t. S. No. E-3390.)

On June 22, 1921, 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 for the seizure and condemnation of 2 cases and 8 cans of olive oil, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the articles had been shipped by C. Buonocore & Son, New York, N. Y., on or about May 5, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Roma Brand Puro Olio d'Oliva Il Campidoglio (Roma) C. Buonocore & Son 1 Gallon * * *"

Misbranding of the article was alleged in substance in the libels for the reason that the labels of the cans containing the said article bore a certain statement, to wit, "One Gallon," which said statement was false and misleading and deceived and misled the purchaser. 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.

On September 16, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

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