

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11151-11200.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 31, 1923.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11151. Misbranding of McMullin's tonic. U. S. v. 9 Bottles of McMullin's Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14810. I. S. No. 3915-t. S. No. C-2976.)

On April 29, 1921, the United States attorney for the Western District of Oklahoma, 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 9 bottles of McMullin's tonic, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped by Tilden McMullin, Sedalia, Mo., on or about January 15, 1921, and transported from the State of Missouri into the State of Oklahoma, 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 glycerin, alcohol, and water, with traces of iodid and phenol.

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the bottles containing the said article bore certain statements, designs, and devices regarding the curative and therapeutic effects thereof, to wit, "* * * Tonic * * * Affords great relief in cases of * * * Consumption, Asthma, Catarrh and Bronchitis," which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 5, 1923, 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.*

11152. Adulteration and misbranding of oil. U. S. v. 39 Cans, et al., of Oil. Default decrees of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. Nos. 15272, 15273. I. S. Nos. 6937-t, 6938-t, 6939-t, 6940-t, 7010-t, 7011-t, 7012-t. S. Nos. E-3487, E-3490.)

On July 28 and 29, 1921, respectively, the United States attorney for the Eastern 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 libels for the seizure and condemnation of 39 pint cans, 120 quart cans, 96 half-gallon cans, and 126 gallon cans of La Provence Brand oil, and 3 cartons

containing 18 gallon cans, 2 cartons containing 24 half-gallon cans, and 12 quart cans of Olivolo Brand oil, remaining unsold in the original unbroken packages, in part within the Borough of Richmond, and in part within the Borough of Brooklyn, State of New York, alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about June 17 and 24, 1921, respectively, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "La Provence Brand Oil * * * Pressed From Cotton Seeds * * * One Pint" (or "One Quart," "One Half Gallon," or "One Gallon") "* * * Littauer Oil Co., Guttenberg, N. J." The remainder of the article was labeled in part: "Olivolo Brand Olio Per Insalata Come L'Olio D'Oliiva * * * A Pure Salad Oil Blended with Olive Oil * * * Il Olivolo 'Olio' Viene Estratto Da Vegetali Di Prima Qualita Con Metodi Perfezzionati: E'Iginici E'Perfettamente * * * E'Salutifero Per Eccellenza * * * La Marca * * * Olivolo * * * Il Olivolo 'Olio' * * * One Gallon" (or "One Half Gallon" or "One Quart") "Packed By Littauer Oil Co., Guttenberg, N. J." (design of a draped flag).

Adulteration of the Olivolo Brand oil was alleged in the libel for the reason that cottonseed oil 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 article, and for the further reason that it was mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged with respect to both brands (with the exception of the half-gallon cans of Olivolo Brand oil) 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 thereof, since the quantity stated was not correct. Misbranding was further alleged with respect to the Olivolo Brand for the reason that the packages or labels bore statements, designs, and devices, regarding the article and the ingredients and substances contained therein, which were false and misleading and deceived and misled the purchaser, for the further reason that the said article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it purported to be a foreign product when not so.

On October 13, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and subsequently the product was ordered delivered to charitable institutions.

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

11153. Adulteration of coriander seed. U. S. v. 11 Sacks and 6 Sacks of Coriander Seed. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16078, 16646. S. Nos. C-3502, C-3715.)

On April 4 and July 20, 1922, respectively, the United States attorney for the Eastern District of Missouri, 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 17 sacks of coriander seed, remaining unsold in the original unbroken packages in possession of the Biston Coffee Co., St. Louis, Mo., alleging that the article had been shipped from East St. Louis, Ill., in part on or about March 15, 1922, and in part on or about June 30, 1922, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The sacks in the consignment of March 15 were labeled in part: "From Biston Coffee Company, St. Louis, Missouri."

Adulteration of the article was alleged in substance in the libels for the reason that worm-eaten seeds, weed seeds, and soil, with respect to the shipment of March 15, and worm-eaten seeds, weed seeds, dirt (weevil) and mouse excreta, stones, and dirt, with respect to the shipment of June 30, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy vegetable substance.

On November 21, 1922, the Biston Coffee Co., St. Louis, Mo., having entered an appearance as claimant for the property, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of good and sufficient bonds, in conformity with section 10 of the act, said bonds being in the aggregate sum of \$400,