

that the article had been shipped by Swift & Co., from Portland, Oreg., January 12, 1923, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Swift & Co. Re-worked."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted therefrom.

Misbranding was alleged for the reason that the statement, "Butter," was false and misleading and deceived and misled the purchaser.

On January 30, 1923, Swift & Co., 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 bond in the sum of \$325, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act.

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

11320. Misbranding of Lukosine. U. S. v. 31 Packages of Lukosine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15085. S. No. C-2909.)

On June 21, 1921, the United States attorney for the Eastern District of Louisiana, 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 31 packages of Lukosine, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the National Drug Co., Philadelphia, Pa., on or about May 24, 1921, and transported from the State of Pennsylvania into the State of Louisiana, 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 of a powder containing approximately 80 per cent of boric acid and small proportions of zinc sulphate, alum, and a salicylate, and traces of alkaloid, phenol, thymol, and menthol, colored pink.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding its curative and therapeutic effect, appearing on the label of the said article, "Indications Gonorrhoea, Leucorrhoea * * * Inflammation of Mucous Membranes, Catarrh, Ulcers, Etc.," were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 24, 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.*

11321. Adulteration and misbranding of canned tomatoes. U. S. v. D. E. Foote & Co., Inc., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 16571. I. S. Nos. 7912-t, 7914-t, 8509-t, 9310-t, 9317-t.)

On December 20, 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 an information against D. E. Foote & Co., Inc, a corporation, trading at Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Maryland, in various consignments, namely, on or about August 19, 1921, into the State of Virginia, on or about September 3 and 12, 1921, respectively, into the State of Pennsylvania, and on or about September 9, 1921, into the State of Georgia, of quantities of canned tomatoes which were adulterated and misbranded. The article was labeled variously, in part: "Tomatoes Packed By D. E. Foote & Co. Inc. Baltimore, Md. * * * 'Fox Brand;'" "Foote's Best Brand * * * Tomatoes * * * Packed By D. E. Foote & Co.;" "Compass Brand Tomatoes * * * Packed by D. E. Foote & Co. Inc."

Analyses of samples of the article by the Bureau of Chemistry of this department indicated that water and purée, pulp, or juice from skins and cores had been added to the said article.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, water and purée, pulp, and juice from skins

and cores, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for a product made from whole tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," together with the design and device of a ripe tomato, borne on the cans containing the said article, regarding the article and the ingredients and substance contained therein, were false and misleading in that they represented that the article was a product derived from whole tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product composed of whole tomatoes, whereas, in truth and in fact, it was not a product composed of whole tomatoes but was a mixture composed in part of water and purée, pulp, and juice from skins and cores of tomatoes. Misbranding was alleged for the further reason that the article was a mixture composed in part of water and purée, pulp, and juice from skins and cores of tomatoes, prepared in imitation of a product composed of whole tomatoes, and was offered for sale and sold under the distinctive name of another article, to wit, tomatoes.

On December 20, 1922, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

11322. Adulteration and misbranding of olive oil. U. S. v. John Courumalis and John Pappaianou (Courumalis & Co.). Pleas of guilty. Fine, \$200. (F. & D. No. 16933. I. S. No. 15561-t.)

At the February, 1923, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against John Courumalis and John Pappaianou, copartners, trading as Courumalis & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about March 15, 1922, from the State of New York into the State of Connecticut, of a quantity of alleged olive oil which was adulterated and misbranded. The article was labeled in part: "La Bella Fiume Brand Prodotto Garantito Olio Per Insalata Sopraffino * * * Packed By Valore Olive Oil Co. New York Net Contents One Quart."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly, if not entirely, of oils other than olive oil, and that the said cans contained less than 1 quart of the said article.

Adulteration of the article was alleged in the information for the reason that an oil or oils other than olive oil had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for, to wit, olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "La Bella Fiume Brand Prodotto Garantito Olio Per Insalata Sopraffino" and "Net Contents One Quart," not corrected by the statement in small type, "Vegetable Oils Slightly Flavored With Pure Olive Oil," together with the design and device of Fiume, a town in Europe, borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was, to wit, olive oil, that it was a foreign product, to wit, an olive oil produced in Europe, and that each of the said cans contained 1 quart 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 it was, to wit, olive oil, that it was a foreign product, and that each of said cans contained 1 quart net of the said article, whereas, in truth and in fact, it was not, to wit, olive oil, but was a mixture composed in large part of an oil or oils other than olive oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 quart net of the said 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.

On February 28, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

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