

reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 4, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the allegations in the libel and consented to the entry of 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 \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11510. Adulteration and misbranding of coal-tar color. U. S. v. 1 Can of Coal-Tar Color. Default decree ordering destruction of product.** (F. & D. No. 14834. I. S. No. 11804-t. S. No. E-3340.)

On April 28, 1921, 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 praying the seizure and condemnation of 1 can of coal-tar color, remaining in the original unbroken packages at Baltimore, Md., consigned March 29, 1921, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "1 Lb. Net \* \* \* Complies With All Requirements Quality Color \* \* \* Number 112 Contents Red."

Adulteration of the article was alleged in the libel for the reason that a substance containing about equal parts of nonpermitted dye and inorganic salts 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 was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements appearing on the label, "Complies With All Requirements Quality Color \* \* \* Contents Red," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 8, 1923, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11511. Adulteration and misbranding of salad oil. U. S. v. 42 Cans of Alleged Salad Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 15046. I. S. Nos. 6959-t, 6960-t. S. No. E-3382.)

On June 17, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 cans of alleged salad oil, remaining in the original unbroken packages at Pittston, Pa., alleging that the article had been shipped by the Youngstown Macaroni Co., Youngstown, Ohio, on or about May 21, 1921, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Tripoli Italiana Brand Oil Winterpressed Cottonseed Flavored With Pure Olive Oil Salad Oil A Compound 1 Quart, 1 Pint and 11 Fl. Oz. Net" (or "3 Quarts, 1 Pint and 6 Fl. Oz. Net") "Guaranteed By The Youngstown Macaroni Co. Youngstown, O. Under The Pure Food And Drugs Act, June 30, 1906. Serial No. 5179."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil 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 was mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels of the cans containing the article, "Tripoli Italiana Brand Oil \* \* \* Guaranteed \* \* \* Under The Pure Food And Drugs Act, June 30 1906, Serial No. 5179," together with an Italian design, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so,

for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, 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 each package.

On July 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels on the cans containing the article be obliterated and the product sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11512. Misbranding of olive oil. U. S. v. 6 Cans and 60 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15238. I. S. Nos. 6247-t, 6248-t. S. No. E-3480.)**

On July 26, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cans, of approximately one gallon each, and 60 cans, of approximately one quart each, of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by Virgona & Co., New York, N. Y., on or about May 14, 1921, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Aroma Brand Olio D'Oliiva Extrafino \* \* \* Sole Distributors Virgona & Co. New York First Pressing Cream Olive Oil One Gallon" (or "One Quart") "Full Measure Guaranteed."

Misbranding of the article was alleged in substance in the libel for the reason that the statements, to wit, "One Gallon" and "One Quart," appearing on the respective-sized cans containing the article, were false and misleading and deceived and misled the purchaser, since the said cans did not contain 1 gallon or 1 quart, as the case might be, 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, in that the statements, "One Gallon" and "One Quart," respectively, were not correct.

On August 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the statements in the labelings, "One Gallon" and "One Quart," respectively, be obliterated and the product sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11513. Misbranding of Aspironal. U. S. v. 55 Dozen Bottles, et al., of Aspironal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15693, 15694, 15695. S. No. E-3665.)**

On December 5, 1921, the United States attorney for the Western 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 praying the seizure and condemnation of 67½ dozen bottles of Aspironal, remaining unsold in the original unbroken packages at Buffalo, N. Y., consigned by the Aspironal Laboratories, from Atlanta, Ga., alleging that the article had been shipped from Atlanta, Ga., in three consignments, namely, on or about January 7, January 10, and September 27, 1921, respectively, and transported from the State of Georgia 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 it contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small quantity of sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing on the labels of the bottles containing the said article, to wit, "Aspironal \* \* \* Colds, Coughs, Influenza, LaGrippe \* \* \* Headache, Toothache, Earache, Stomach-Ache, Neuralgia, Sciatica \* \* \* Rheumatism," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On January 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 product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*