

alleged to be misbranded further: (1) In that the statements on the label, "1/16 Gallone Netto * * * One full half pint" or "Contenuto 1/16 Gallone Netto," were false and misleading as applied to a product in cans containing less than one-half-pint. (2) In that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside package, since the quantity stated was not correct.

On May 29, 1942, no formal appearance or claim or answer having been filed, judgment of condemnation was entered and it was ordered that the product be sold for use as soap stock.

31156. Adulteration and misbranding of olive oil. U. S. v. 21 Quart Cans and 61 Pint Cans of Olive Oil (and 2 other seizure actions against olive oil). Default decrees of condemnation. Product ordered sold for technical use. (F. & D. Nos. 37411, 37429, 37519. Sample Nos. 53988-B, 53989-B, 53995-B, 53996-B, 67308-B to 67312-B, incl.)

Examination of this product showed the presence of tea-seed oil.

On March 21 and 23 and April 2, 1936, the United States attorney for the Eastern District of Pennsylvania filed libels against 176 half-pint cans, 73 pint cans, 35 quart cans, 19 half-gallon cans, and 14 gallon cans of olive oil at Philadelphia, Pa., alleging that the article had been shipped within the period from on or about December 2, 1935, to on or about March 16, 1936, by the Uco Food Corporation from Newark, N. J.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality and strength and had been substituted in whole or in part for olive oil.

It was alleged to be misbranded: (1) in that the following or similar statements, (can labels) "Italian Product Pure Olive Oil * * * Italy * * * The Olive Oil contained in this can is pressed from fresh picked high grown fruit in Italy. It is * * * guaranteed to be absolutely pure [and designs of an olive tree, an olive branch, and Italian coat of arms and Italian flag]." were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil. (2) In that it was offered for sale under the distinctive name of another article.

On May 29, 1942, no formal appearance or claim having been entered, judgment of condemnation was entered and the product was ordered sold for use as soap stock.

INDEX TO NOTICES OF JUDGMENT 31141-31156

	N. J. No.		N. J. No.
Beans, green, canned strained:		Fish and shellfish—Continued.	
Freemont Canning Co.....	31149	shrimp:	
Brazil nuts:		Price, John & Co.....	31146
Higgins, Wm. A., & Co., Inc. 1	31151	Infant food:	
Butter. See Dairy products.		Freemont Canning Co.....	31149
Dairy products—		Mackerel, canned. See Fish and shell-	
butter:		fish.	
Archer Produce Co.....	31141	Olive oil:	
Armour & Co.....	31142	Agash Refining Corporation..	31153-
Lexington Ice & Creamery Co..	31143	31155	
Eggs, frozen:		Russo, John.....	31152
Armour & Co.....	31144	Uco Food Corporation.....	31156
Feed—		Poultry, dressed:	
wheat gray shorts and screenings:		Iowa Products Co.....	31150
Majestic Flour Mill.....	31145	Shrimp. See Fish and shellfish.	
Fish and shellfish—		Wheat gray shorts and screenings.	
mackerel, canned:		See Feed.	
Foote Bros. & Co.....	31147		
Southern California Fish Cor-	31147, 31148		
poration.....			

¹ Contains an opinion of the court.
² Prosecution contested.

^{*} Unauthorized use of seafood inspection legend.

FEDERAL SECURITY AGENCY**FOOD AND DRUG ADMINISTRATION****NOTICE OF JUDGMENT UNDER THE FOOD AND DRUGS ACT**

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

31157**DRUG**

The case reported herewith was instituted in the United States District Court for the Northern District of Ohio, acting upon a report submitted by direction of the Secretary of Agriculture.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

Washington, D. C., January 12, 1943.

157. Adulteration and misbranding of Dr. Mary E. Stewart's Antiseptic Powder. U. S. v. American Pharmaceutical Co., Inc. Plea of guilty. Fine, \$900. (F. & D. No. 39497. Sample Nos. 27801-C, 27802-C.)

This product when used as directed was not an antiseptic as claimed and its being bore false and fraudulent curative and therapeutic claims.

On January 18, 1939, the United States attorney for the Southern District of New York filed an information against the American Pharmaceutical Co. Inc., New York, N. Y., alleging shipment in interstate commerce on or about June 17 and July 3, 1936, from the State of New York into the State of New Jersey of quantities of the above-named product which was adulterated and misbranded.

Analysis of a sample of the article showed that it consisted essentially of boric acid, zinc sulfate, and a small amount of flavoring oil.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be of the standard and quality of an antiseptic when used pursuant to instructions given in the labeling; whereas it was not of such standard when so used.

It was alleged to be misbranded in that the statement, "Antiseptic * * * Dissolve two level teaspoonsful in a little boiling water, then add two quarts of luke warm water. Use as a douche," borne on the label, was false and misleading since it was not an antiseptic when so used. It was alleged to be misbranded further in that the statements, "Protect your Health" and "Used in the treatment of the inflamed conditions of the Vaginal Mucous Membrane, Catarrhal infection, Leucorrhoea, Pruritis discharges," borne on the label, were false and fraudulent since it represented that it would not be effective to protect the health and would not produce the curative and therapeutic effects mentioned in said statements.

On March 25, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150 on each of the 6 counts, totaling \$900.