

Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 12 gallon cans of olive oil, at Akron, Ohio, alleging that the article had been shipped on or about March 3, 1919, by the Union Olive Oil Co., New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Table Oil Insuperabile."

Adulteration of the article was alleged for the reason that cottonseed oil had been mixed therewith and substituted wholly or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements borne on the labels of the cans, not corrected by the statement in inconspicuous type, "Cottonseed oil slightly flavored with Olive Oil," in one case, and in the other, "Cottonseed" (in small type) and (in larger type) "Olive Oil, a compound," were false and misleading and deceived and misled the purchaser. Misbranding of the article was alleged for the reason that it purported to be a foreign product, when not so, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and being labeled "Contents one gallon" and "Net contents full gallon," respectively, whereas examination showed a shortage of 2.3 per cent and 2.5 per cent, respectively. Misbranding of the article was alleged 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 package in terms of weight, measure, or numerical count.

On June 30, 1919, 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 sold by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

7356. Misbranding of The "3 Days" Cure. U. S. * * * v. 4 Dozen Bottles of * * * The "3 Days" Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10303. I. S. No. 15710-r. S. No. E-1393.)

On May 14, 1919, 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 for the seizure and condemnation of 4 dozen bottles of The "3 Days" Cure, consigned on or about May 5, 1919, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by The "3 Days" Cure Co., Washington, D. C., and transported from the District of Columbia into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper) "The '3 Days' Cure for men. A prompt and reliable remedy for Gonorrhoea and Gleet. Combines internal and local treatment suited to all cases. Can never do harm." (Bottle label) "The '3 Days' Cure for men."

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of zinc sulphate, boric acid, and water.

Misbranding of the article was alleged in the libel for the reason that the statements, appearing on the wrapper and bottle label, and in the circulars accompanying the article, regarding the curative and therapeutic effects thereof for the treatment or cure of gonorrhoea, gleet, and certain other diseases, were false and fraudulent in that the article did not contain any ingredients or combination of ingredients capable of producing the effects claimed for it.

On June 25, 1919, 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.

E. D. BALL,

Acting Secretary of Agriculture.

7357. Misbranding of Pabst's Okay Specific. U. S. * * * v. 9 Dozen Bottles of Pabst's Okay Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10304. I. S. No. 14991-r. S. No. E-1389.)

On May 14, 1919, the United States attorney for the Eastern 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 for the seizure and condemnation of 9 dozen bottles of Pabst's Okay Specific, consigned by the Pabst Chemical Co., Chicago, Ill., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about April 16, 1919, and transported from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper) "Pabst's O. K. Okay Specific * * * Gonorrhœa, Gleet, Urethritis and Chronic Mucous Discharges. * * * Absolutely Safe. Causes No Stricture." (Bottle label) "Pabst's O. K. Okay Specific * * * Gonorrhœa, Gleet, Urethritis and Chronic Mucous Discharges." (Circular, page 1) "Pabst Okay Specific, A well known treatment for gonorrhœa and gleet, urethritis and chronic mucous discharges."

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, buchu, uva ursi, oil of peppermint, unidentified plant material, alcohol, and water.

Misbranding of the article was alleged for the reason that the bottle label, wrapper, and circular accompanying the package contained certain statements, designs, and devices, regarding the curative or therapeutic effects of the article and the ingredients and substances contained therein, for the treatment of gonorrhœa, gleet, urethritis, and chronic mucous discharges, which statements were false and fraudulent in that the article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied to the article with the knowledge of their falsity for the purpose of defrauding purchasers thereof. Misbranding of the article was alleged for the further reason that it contained 29.5 per cent of alcohol by volume, and the package failed to bear a correct statement on its label of the quantity or proportion of alcohol contained therein.

On June 12, 1919, 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.

E. D. BALL,

Acting Secretary of Agriculture.

7358. Adulteration and misbranding of Big G. U. S. * * * v. 32 Dozen Bottles of Big G. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10305. I. S. No. 2759-r. S. No. W-352.)

On May 13, 1919, the United States attorney for the Northern District of California, 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 32 dozen bottles of Big G, remaining unsold in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on November 26, 1917, and October 14, 1918, by the Evans Chemical Co.,