

On May 3, 1920, 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.*

**S143. Misbranding of Texas Wonder. U. S. \* \* \* v. 22 Bottles of Drugs Labeled in Part "Texas Wonder." Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 11485. I. S. No. 8961-r. S. No. C-1563.)

On November 1, 1919, the United States attorney for the Eastern District of Illinois, 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 22 bottles of an article, labeled in part "Texas Wonder," remaining unsold in the original unbroken packages at Cairo, Ill., consigned by E. W. Hall, St. Louis, Mo., alleging that the article had been shipped on or about August 6, 1919, and transported from the State of Missouri into the State of Illinois, 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 balsam of copaiba, rhubarb, turpentine, gualiac, and alcohol.

Misbranding of the article was alleged in that certain statements regarding the curative and therapeutic effects of the article, appearing on the label on the bottle containing the article and in the circular accompanying the article, falsely and fraudulently represented the article to be effective as a remedy for kidney and bladder troubles, diabetes, weak and lame backs, rheumatism and gravel, bladder troubles in children, and for stone in the kidneys, inflammation of the bladder, and tuberculosis of the kidneys, whereas, in truth and in fact, it was not effective.

On November 24, 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.*

**S144. Adulteration and misbranding of canned tomatoes. U. S. \* \* \* v. 530 Cases of Canned Tomatoes Labeled "Collins Brand Tomatoes Contents 2 lb." Consent decree of condemnation and forfeiture. Product released on bond.** (F. & D. Nos. 11509, 11510. I. S. No. 15933-r. S. No. E-1839.)

On November 5, 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 530 cases of Collins Brand tomatoes, remaining unsold in the original unbroken packages at Philadelphia, Pa., consigned by W. M. Wright, Geneys Wharf, Md., alleging that the article had been shipped on or about September 26, 1919, from Geneys Wharf, Md., and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Collins Brand Tomatoes Packed by F. M. Collins, Preston, Md."

Adulteration of the article was alleged in the libel in that water and seepage from cores and trimmings had been mixed and packed with, and substituted wholly or in part for, canned tomatoes.

Misbranding of the article was alleged in that the statement on the labels of the cans containing the article, concerning the article, to wit, "Tomatoes," was false and misleading in that the statement represented that the article was to-

matoes, whereas, in truth and in fact, the article consisted of tomato juice or seepage from cores and trimmings and added water.

On November 24, 1919, F. M. Collins, 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 the claimant upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of a representative of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

**8145. Adulteration and misbranding of olive oil. U. S. \* \* \* v. Nicholas D. Lyriotakis et al. (Lyriotakis Bros.). Pleas of guilty. Fine, \$75. (F. & D. No. 11797. I. S. No. 13746-r.)**

On May 24, 1920, the United States attorney for the Southern 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 an information against Nicholas D. Lyriotakis and Michael Lyriotakis, copartners, trading as Lyriotakis Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on January 17, 1919, from the State of New York into the State of New Jersey, of a quantity of an article purporting to be olive oil, labeled in part "Olio Finissimo," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted almost entirely of cottonseed oil, and that the contents of the cans examined were short in volume.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, 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 olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Olio Finissimo" and "1 Gallon Net," together with the designs and devices of the Italian flag and a map of Sicily, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the product was olive oil, that it was an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 gallon 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 olive oil, that it was an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in large part of cottonseed oil, and it was not an olive oil produced in the kingdom of Italy, but was a product produced in the United States of America, and each of said cans did not contain 1 gallon net of the article, but did contain a less amount; for the further reason that said article was falsely branded as to the country in which it was manufactured and produced, in that it was branded as a product produced in the kingdom of Italy, whereas, in truth and in fact, it was a product produced in the United States of America; for the further reason that the statements, designs, and devices aforesaid purported said article to be a foreign product, when not so; and for the further reason that said 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 May 26, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

E. D. BALL, *Acting Secretary of Agriculture.*