

**8595. Adulteration and misbranding of Mothers Brand Pure Flavor of Vanilla and Lemon. U. S. \* \* \* v. 8 Gross Bottles of Mothers Brand Pure Flavor of Vanilla and 4 Gross Bottles of Mothers Brand Pure Flavor of Lemon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 11565. I. S. Nos. 8378-r, 8379-r. S. No. C-1646.)**

On December 23, 1919, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 gross bottles of Mothers Brand Pure Flavor of Vanilla and 4 gross bottles of Mothers Brand Pure Flavor of Lemon, consigned on or about July 28, 1919, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the articles had been shipped by the National Food Mfg. Co., St. Louis, Mo., arriving on or about August 11, 1919, and transported from the State of Missouri into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, "Mothers Brand Pure Flavor of Vanilla" (or "Lemon") "Guaranteed Fine Quality \* \* \* The National Food Manufacturing Co., St. Louis."

Adulteration of the articles was alleged in substance in the libels for the reason that certain substances other than vanilla or vanilla extract, or lemon or lemon extract, as the case might be, had been mixed therewith so as to reduce, lower, and injuriously affect their quality and strength. Adulteration was alleged for the further reason that dilute vanilla extract or dilute lemon extract, as the case might be, had been substituted wholly or in part for the article.

It was alleged in substance in the libels that the articles were misbranded for the reason that the labels aforesaid on the bottles, regarding the products therein, were false and misleading in that the articles were not the products which they purported to be, and for the further reason that said labels were calculated to deceive and mislead the purchasers thereof in that the articles were represented to be pure vanilla extract or lemon extract, as the case might be, whereas, in fact and in truth, they were diluted vanilla or lemon extract, respectively. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the names set forth in their respective labels and were not the products named therein.

On June 23, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

**8596. Misbranding of Dr. LeGear's Hog Prescription. U. S. \* \* \* v. 75 Cases \* \* \* 221 Pails \* \* \* and 22 Drums \* \* \* of Dr. LeGear's Hog Prescription. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11901. I. S. No. 3257-r. S. No. W-568.)**

On January 27, 1920, 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 75 cases, each containing 12 packages of 3 $\frac{1}{4}$  pounds, 221 pails, each containing 25 pounds, and 22 drums, each containing 100 pounds, of Dr. LeGear's Hog Prescription, remaining in the original unbroken packages, at San Francisco, Calif., consigned by the Dr. LeGear Medicine Co., part from Luther, Mo., March 28, 1919, and part from St. Louis, Mo., July 30, 1919, alleging that the article had been transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and

Drugs Act, as amended. The article was labeled in part, "Dr. LeGear's Hog Prescription."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture composed essentially of magnesium sulphate, ferrous sulphate, sodium chlorid, charcoal, American wormwood seed, and mill screenings.

Misbranding of the article was alleged in the libel for the reason that the following statements on the carton label regarding the curative and therapeutic effects thereof were false and fraudulent, as the article contained no ingredients capable of producing the effects claimed: "The Worm Expeller \* \* \* Good for many cases of so-called Cholera in Hogs, such as Diarrhœa, Bowel Troubles, Kidney Worms, etc. For Diarrhœa, Dysentery and other Bowel Troubles resembling Cholera \* \* \* For Kidney Worms of Paralysis To prevent disease."

On March 16, 1920, the Dr. L. D. LeGear Medicine 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 proceeding and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

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

**8597. Adulteration and misbranding of olive oil. U. S. \* \* \* v. Demetrius S. Kourcotas (Union Olive Oil Co.). Plea of guilty. Fine, \$100. (F. & D. No. 12317. I. S. Nos. 7025-r, 7901-r, 7902-r, 11927-r, 11928-r, 12924-r.)**

On August 2, 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 Demetrius S. Kourcotas, trading as the Union Olive Oil Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 13, January 31, and March 3, 1919, from the State of New York into the States of Missouri, Indiana, and Ohio, respectively, of quantities of an article, labeled in part "Finest Quality Table Oil Insuperabile Termini Imerese Type Net Contents One Gallon," on or about January 31, and March 3, 1919, from the State of New York into the States of Indiana and Ohio, respectively, of quantities of an article, labeled in part, "Olio Sopraffino Qualita Superiore Olio Finissimo \* \* \* Olive Oil \* \* \* Tripolitania Brand Net Contents Full Gallon," which was adulterated and misbranded, and on or about March 5, 1919, from the State of New York into the State of Massachusetts, of a quantity of an article, labeled in part "Extra Fine Imported Olive Oil Lemnos Brand \* \* \* Net Contents 1 Gallon," which was misbranded.

Analysis of a sample of the article taken from the shipment of March 13, labeled "Table Oil Termini Imerese Type," by the Bureau of Chemistry of this department showed that it consisted of a mixture of corn oil, cottonseed oil, and olive oil. Analyses of samples from the remaining shipments of this article and the article labeled "Olio Sopraffino Tripolitania Brand" showed that they consisted chiefly of cottonseed oil. Examination showed that the article in all shipments was short in volume.

Adulteration of the article was alleged in the information, in each shipment with the exception of the one to Massachusetts, for the reason that cottonseed oil (or in the case of the March 13 shipment of the article, labeled "Table Oil Termini Imerese Type," a mixture composed of corn oil and 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.