

Examination of a representative sample, consisting of 52 boxes, showed an average shortage in weight of 17.12 per cent.

Misbranding of the article was alleged in substance in the libel for the reason that the statement, to wit, "25 lbs. net," appearing on each of the boxes containing the article, was false and fraudulent [misleading] and misled and deceived the purchaser in that said statement purported and represented that the said boxes contained 25 pounds of the article, whereas, in truth and in fact, said boxes contained less than 25 pounds of the article.

On June 18, 1920, Joseph Caldarulo and Mario Ardito, copartners, trading as Caldarulo & Ardito, Chicago, Ill., claimants, having admitted the allegations of the libel and 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 claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article be relabeled with the correct net weight.

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

**8666. Misbranding of Linonine. U. S. \* \* \* v. 45 Bottles of Linonine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12815. I. S. No. 17499-r. S. No. E-2309.)**

On June 1, 1920, 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 45 bottles of Linonine, consigned on or about May 13, 1920, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Kerr Chemical Co., Danbury, Conn., and transported from the State of Connecticut into the State of Maryland, 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 of an emulsion containing essentially linseed oil, oils of eucalyptus and cinnamon, methyl salicylate, glycerin, and water.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the labeling of the cartons and bottles containing the article, regarding the curative and therapeutic effects thereof, to wit, (bottle and carton) "Pulmonary Diseases, Consumption, Chronic Coughs \* \* \* Chronic Bronchitis, the After Effects of La Grippe, Wasting Diseases, Rickets, Scrofula, Whooping Cough, Rheumatic and Strumous Diseases, General Debility, etc. \* \* \* Linonine is unsurpassed as a strengthener, builder, blood renewer, and for affections of the throat and lungs," (carton) "\* \* \* a most efficient remedy for expectorant coughs \* \* \* in the most chronic forms of the disease \* \* \* prophylactic against emphysema \* \* \* a remedy \* \* \* in the asthmas which have a history of sequence of pertussis or measles \* \* \* in the treatment of a phthisis in patients who cannot take cod liver oil, particularly in those who have much bronchitis \* \* \*," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the results claimed.

On August 10, 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.*