

Examination of samples of the article by the Bureau of Chemistry of this department showed in both the gallon and half-gallon cans an average shortage of 4.8 per cent.

Misbranding of the article was alleged in the information for the reason that the statements "Net One Gallon" and "Net Half Gallon," borne on the cans containing the article, regarding the article, were false and misleading in that they represented that each of the cans contained 1 gallon or $\frac{1}{2}$ gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained 1 gallon or $\frac{1}{2}$ gallon net of the article, whereas, in truth and in fact, each of said cans contained a less amount. Misbranding was alleged for the further reason that the 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 August 25, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

S740. Adulteration and misbranding of olive oil. U. S. * * * v. 559
Cases of Alleged Italian Olive Oil. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 10909. I. S. No. 2979-r. S. No. W-456.)

On August 5, 1919, the United States attorney for the Southern 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 559 cases of alleged Italian olive oil, composed of 25 cases each containing 2 5-gallon cans, 40 cases each containing 12 1-gallon cans, 10 cases each containing 24 $\frac{1}{2}$ -gallon cans, 20 cases each containing 48 $\frac{1}{4}$ -gallon cans, 125 cases each containing 96 $\frac{1}{8}$ -gallon cans, 40 cases each containing 24 8-ounce bottles, 80 cases each containing 24 4-ounce bottles, and 219 cases each containing 36 2-ounce bottles, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Strohmeyer & Arpe Co., New York, N. Y., on or about July 9, 1919, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: (Cans) "Olio D'Oliva Purissimo Garantito Marca Re Umberto 1. Choicest Pure Olive Oil Pure Olive Oil. Registered U. S. Patent Office S. M. Umberto 1 Re D'Italia Re Umberto Brand Pure Olive Oil Net Contents 5-gallon," or "1-gallon," " $\frac{1}{2}$ -gallon," " $\frac{1}{4}$ -gallon," " $\frac{1}{8}$ -gallon," as the case might be, with a design of the head of the King of Italy and a design of medallions and flag of Italy; (bottles) "R. U. Re Umberto Brand Pure Olive Oil For table and medicinal purposes, Net Weight 8 ounces," or "4 ounces," or "2 ounces," as the case might be, "Strohmeyer & Arpe Co., New York," with a design of the face of the King of Italy and "S. M. Umberto Re D'Italia."

Adulteration of the article was alleged in the libel for the reason that Spanish olive oil had been substituted wholly or in part for Italian olive oil, which the article purported to be. Misbranding was alleged for the reason that the cans and bottles were labeled with the statements, designs, and devices as aforesaid, which were false and misleading, and deceived and misled the respective purchasers thereof into the belief that the product was olive oil of Italian origin, whereas it was a Spanish olive oil.

On September 16, 1919, the Strohmeyer & Arpe Co., New York, N. Y., having entered an appearance as claimant of the property and confessed judgment, a

decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled as prescribed and directed by this department, and that said claimant pay all costs of the proceedings.

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

8741. Misbranding of Lallemand's Rheumatism, Gout, and Neuralgia Treatment. U. S. * * * v. Meyer Bros. Drug Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 11625. I. S. No. 7824-r.)

On April 21, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Meyer Bros. Drug Co., St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 6, 1919, from the State of Missouri into the State of Arkansas, of a quantity of an article of drugs, labeled in part "Lallemand's Rheumatism, Gout & Neuralgia Treatment * * * Prickly Ash Bitters Co., Sole Proprietors * * * Formerly called Lallemand's Specific * * *," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution containing potassium iodid, potassium acetate, and extractives from colchicum.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements, designs, and devices, appearing on the labels of the bottles and wrappers and in the circular accompanying it, falsely and fraudulently represented it to be effective as a preventive, treatment, remedy, and cure for acute and chronic rheumatism, neuralgia, sciatic, muscular, and capsular rheumatism, and locomotor ataxia, when, in truth and in fact, it was not.

On November 10, 1920, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

8742. Adulteration and misbranding of Queen's Taste Brand egg noodles. U. S. * * * v. Western Macaroni Mfg. Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 11949. I. S. No. 5128-r.)

On July 10, 1920, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Western Macaroni Mfg. Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 25, 1918, from the State of Utah into the State of Montana, of a quantity of egg noodles which were adulterated and misbranded. The article was labeled in part, "'Queen's Taste' Brand Egg Noodles * * * Manufactured by the Western Macaroni Mfg. Co. Inc. Salt Lake City, Utah * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be plain noodles, artificially colored, and containing not over 0.57 per cent of egg solids. The package was also short weight.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a mixture deficient in egg solids, had been substituted for egg noodles, which the article purported to be, and for the further reason that it was an article inferior to egg noodles, to wit, a mixture deficient in egg solids