

On February 24, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

9053. Misbranding of olive oil. U. S. * * * v. Gabriel Carbateas and Nicholas S. Monahos (N. S. Monahos). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 11979. I. S. No. 8826-r.)

On June 21, 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 Gabriel Carbateas and Nicholas S. Monahos, copartners, trading as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 10, 1919, from the State of New York into the State of Illinois, of a quantity of olive oil which was misbranded. The article was labeled in part, "Lemnos Brand Olio di Oliva Puro Net Contents $\frac{1}{4}$ Gallon."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.2 per cent less than the declared amount.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents $\frac{1}{4}$ Gallon," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the cans contained $\frac{1}{4}$ gallon net thereof, 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 $\frac{1}{4}$ gallon net thereof, whereas, in truth and in fact, each of said cans did not contain $\frac{1}{4}$ gallon net of the article, but did contain 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 June 23, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

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

9054. Misbranding of The Texas Wonder. U. S. * * * v. 4 Dozen Bottles of * * * The Texas Wonder. Default decree of destruction. (F. & D. No. 12064. I. S. No. 592-r. S. No. E-1914.)

On January 5, 1920, the United States attorney for the Southern District of Florida, 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, more or less, of an article labeled in part "The Texas Wonder," at Jacksonville, Fla., consigned by E. W. Hall, St. Louis, Mo., alleging that the article had been shipped on or about December 1, 1919, and transported from the State of Missouri into the State of Florida, 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 copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded for the reason that the cartons inclosing the article and the circulars accompanying it contained the following statements, regarding the curative and therapeutic effect of said article, (carton) "* * * * A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder

Trouble in Children * * *," (circulars) "Read Carefully Special Direction * * * The Texas Wonder, Hall's Great Discovery, * * * in * * * Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved * * *," which said statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effect set forth in said statements.

On February 2, 1921, no claimant having appeared for the property, judgment was entered finding that the article was subject to condemnation, and it was ordered by the court that the same be destroyed by the United States marshal.

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

9055. Adulteration and misbranding of cottonseed meal. U. S. * * * v. 500 Sacks of Cottonseed Meal. Decree of court releasing product from custody, the same having been sold for fertilizing purposes. (F. & D. No. 12457. I. S. No. 111-r. S. No. E-2161.)

On May 21, 1920, the United States attorney for the Southern District of Florida, 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 500 sacks, more or less, of cottonseed meal, at Jacksonville, Fla., consigned by the Central Oil Co., Macon, Ga., alleging that the article had been shipped on or about April 14, 1920, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tags attached to sacks) "100 Lbs. Good Cotton Seed Meal Manufactured by Central Oil Company Cotton Seed Products Macon, Ga."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.36 per cent of ammonia, 33.0 per cent of protein, 5.15 per cent of fat, and 15.07 per cent of crude fiber.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and fat and containing excessive crude fiber had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the following statements appearing in the label, to wit, "Ammonia (minimum) 7.00% Protein (minimum) 36.00% Crude Fat (minimum) 5.50% Crude Fibre (maximum) 14.00%," were false and misleading and deceived and misled the purchasers since the product contained less ammonia, protein, and fat, and more crude fiber than was declared on said labeling.

On October 18, 1920, the cause having come on to be heard, upon motion of the United States attorney for the release of the product belonging to said Central Oil Co., of Macon, Ga., and it appearing to the court that, in accordance with the directions of a representative of this department and subject to the entry of a decree, the said company has sold the product for fertilizing purposes only, it was ordered by the court that said sale be approved, that the proceedings be dismissed, and that the cottonseed meal be released for the purposes of such sale, and that said company pay the costs of the proceedings.

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

9056. Misbranding of Texas Wonder. U. S. * * * v. 237 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12592. I. S. No. 9689-r. S. No. C-1906.)

On April 30, 1920, the United States attorney for the Western District of Texas, 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 237 bottles of Texas Wonder, at San Antonio, Tex., alleging that