

**9380. Misbranding of Volta Powder. U. S. \* \* \* v. Charles A. Gianelli and Alfred N. Gianelli, trading as Volta Co. Pleas of guilty. Fine, \$25. (F. & D. No. 9720. I. S. Nos. 3825-p, 3887-p.)**

On May 9, 1919, the United States attorney for the Western 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 Charles A. Gianelli and Alfred N. Gianelli, trading as the Volta Co., Buffalo, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about May 7, 1918, from the State of New York into the State of Maryland, and on or about June 10, 1918, from the State of New York into the State of Massachusetts, of quantities of an article labeled in part "Volta Powder," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was essentially a mixture of free sulphur, impure ferric oxid, and a trace of essential oil.

It was alleged in substance in the information that the article in each shipment was misbranded for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the boxes and cartons containing said article, and appearing in the circular and folder accompanying the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for acute, inflammatory, and chronic rheumatism, sciatica, lumbago (rheumatism of the back), gout, all forms of neuralgia, stiff joints, cold feet, swollen feet, swollen ankles, swollen hands, swollen knees, swollen arms and limbs, pains in spine and shoulders, acute and intermittent fever, chills, spinal weakness, insomnia, night restlessness, general debility, and effective as a preventive for rheumatism, cholera, la grippe, cold, acute fever, and malarial fever, and to improve the complexion, when, in truth and in fact, it was not.

On May 17, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

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

**9381. Misbranding of Eg-Less. U. S. \* \* \* v. Haring S. Minton and Anna E. Minton (Holley Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 9856. I. S. No. 10005-p.)**

On December 1, 1919, the United States attorney for the Western 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 Haring S. Minton and Anna E. Minton, a partnership, trading as the Holley Co., Rochester, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 12, 1918, from the State of New York into the State of Missouri, of a quantity of Holley Eg-Less which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a white powder containing cornstarch, skimmed milk powder, milk casein, rice flour, bicarbonate of soda, and little or no powdered eggs, with a few dyestuff particles visible to the naked eye. When mixed with water, the product assumed a reddish-yellow color.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "You Do Not Need Eggs For Cooking If You Use Eg-Less," "A Wholesome Preparation Used In Place Of Eggs In Baking And Cooking," "Use As 12 Eggs," "Use this product in place of eggs in baking & cooking," and "Directions: In place of each egg called for by this recipe, use 1 teaspoonful Eg-Less," borne on the packages containing the article, regarding

it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was an egg substitute, that is to say, that eggs were not needed for cooking if the article was used, that said article could be used in place of eggs in baking and cooking, that the contents of each of the packages containing the article could be used the same as twelve eggs, and that one teaspoonful of said article could be used in place of each egg called for in the recipe, whereas, in truth and in fact, said article was not an egg substitute, that is to say, eggs would be needed for cooking when using the article, said article could not be used in place of eggs in cooking and baking, the contents of one of said packages could not be used as twelve eggs, and one teaspoonful of the article could not be used in place of each egg called for in the recipe. Misbranding was alleged for the further reason that the statement, to wit, "Manufactured From Corn Starch, Skimmed Milk Powder, Milk Casein, Powdered Eggs, Rice Flour, Bicarbonate Of Soda, And Certified Colbrs," borne on the packages containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted of the ingredients named on the label as aforesaid, whereas, in truth and in fact, said article did not so consist, but was a product containing little or no egg. Misbranding was alleged for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an egg substitute, that is to say, that no eggs were needed for cooking when using the article, that said article could be used in place of eggs in baking and cooking, that the contents of one of the packages could be used as twelve eggs, and that one teaspoonful of said article could be used in place of each egg called for in the recipe, whereas, in truth and in fact, said article was not an egg substitute, that is to say, eggs would be needed for cooking when using the article, and said article could not be used in place of eggs in cooking and baking, and the contents of one of said packages could not be used in place of twelve eggs, and one teaspoonful of said article could not be used for each egg called for in the recipe, and said article did not contain powdered eggs, but was a mixture containing little or no egg.

On May 31, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

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

**9382. Adulteration and misbranding of oil. U. S. \* \* \* v. Giovanni Ballanca, Stefano Friscio, and Stephen Gerardi, Copartners. Pleas of guilty. Fine, \$25. (F. & D. No. 10887. I. S. No. 14933-r.)**

On October 24, 1919, 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 Giovanni Ballanca, Stefano Friscio, and Stephen Gerardi, copartners, trading at New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on November 20, 1918, from the State of New York into the State of New Jersey, of a quantity of an article labeled, "Qualita Superiore" (map of Italy, Sicily, and Tripolitania, and cut of girl with Italian flag) "Olio Puro Garantito  $\frac{1}{4}$  Gallon Net Sotto Qualsiasi Analisi Chimica," which article was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of cottonseed and peanut oils, with little or no olive oil, and that the containers were short in volume.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, cottonseed oil and peanut oil, had been mixed and