

the further reason that the article was a product composed in part of saccharin, synthetic esters, and a coal-tar dye, which reacts like amaranth, prepared in imitation of, and sold under the distinctive name of, another article, to wit, raspberry soda.

On June 28, 1921, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10016. Adulteration and misbranding of prepared mustard. U. S. * * * v. 4 Barrels * * * of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15025. I. S. No. 5483-t. S. No. E-3418.)

On July 13, 1921, the United States attorney for the District of Massachusetts, 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 barrels of prepared mustard, remaining in the original unbroken packages at Lowell, Mass., alleging that the article had been shipped by Plochman & Witt, Chicago, Ill., on or about August 26, 1920, and transported from the State of Illinois into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Standard Brand Prepared Mustard Colored With Turmeric 50 Gals. Plochman & Witt Chicago."

Adulteration of the article was alleged in the libel for the reason that substances, to wit, mustard hulls and an excessive quantity of starch, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for prepared mustard, which the said article purported to be. Adulteration was alleged for the further reason that a coloring matter, to wit, turmeric, had been added and mixed with the said article in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statement, to wit, "Standard Brand Prepared Mustard," borne on the barrels containing the article, concerning the article and the substances and ingredients contained therein, was false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was prepared mustard of standard quality, whereas, in truth and in fact, it was not prepared mustard of standard quality, but was a product containing mustard hulls and an excessive quantity of cornstarch. Misbranding was alleged for the further reason that the article was a product composed wholly or in part of mustard hulls and an excessive quantity of cornstarch and a coloring matter, to wit, turmeric, and was prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, prepared mustard.

On November 14, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10017. Misbranding of Lung Germine. U. S. * * * v. 6 Bottles and 1½ Dozen Bottles of Lung Germine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15130, 15131. Inv. Nos. 32683, 32684. S. No. E-3417.)

On July 11, 1921, 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 libels for the seizure and condemnation of 2 dozen bottles of Lung Germine, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about April 7, May 31, and June 19, 1921, respectively, and transported from the State of Michigan into the State of New York, 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 contained sulphuric acid, a small amount of iron sulphate, a trace of aromatics, about 2 per cent of alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the labeling bore certain statements, designs, and devices regarding the curative and therapeutic effect of the said article or the ingredients and substances contained therein, which were false and fraudulent.

On November 7, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10018. Adulteration of tomato pulp. U. S. * * * v. 17 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15141. I. S. No. 5085-t. S. No. E-3425.)

On July 16, 1921, the United States attorney for the District of Massachusetts, 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 17 cases, each containing 6 unlabeled cans, of tomato pulp, remaining unsold in the original unbroken packages at Cambridge, Mass., alleging that the article had been shipped by the Lin-Del Co., Inc., Middleport, N. Y., on or about May 7, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On November 14, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10019. Misbranding of olive oil. U. S. * * * v. 8 Cases * * *, 40 Cases * * *, and 12 Cases * * * of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15668. I. S. Nos. 3544-t, 3545-t, 3546-t. S. No. C-3335.)

On November 29, 1921, the United States attorney for the District of Minnesota, 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 8 cases, half-pint cans, 40 cases, pint cans, and 12 cases, quart cans, of olive oil, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Old Monk Olive Oil Co., Chicago, Ill., October 21, 1921, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "France Old Monk Trade Mark Olive Oil Virgin * * * Net Contents One Half Pint" (or "One Pint" or "One Quart").

Misbranding of the article was alleged in the libel for the reason that the statements on the respective sized cans, "Net Contents One Half Pint," "One Pint," or "One Quart," were false and misleading and deceived and misled the purchaser. 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 December 2, 1921, the Old Monk Olive Oil Co., Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10020. Adulteration and misbranding of ground barley. U. S. * * * v. Upton Mill & Elevator Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 13928. I. S. Nos. 12161-r, 12173-r, 24627-r.)

On May 17, 1921, the United States attorney for the District of Minnesota, 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 Upton Mill & Elevator Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Minnesota into the State of Indiana, on or about August 28, 1919, of two consignments of ground barley, and on or about August 30, 1919, of one consignment of the same, all of which was adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the shipment of August 30 contained at least 12 per cent of oats, including wild oats, that one shipment of August 28 contained about 12 per cent of oats, including wild oats, a little chaff, and weed seeds, and that the