

On November 2, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

10134. Misbranding of alimentary paste. U. S. * * * v. Joseph Sciales and Marion Costa (Sciales Grocery Co.). Dismissed as to Marion Costa. Plea of guilty by Joseph Sciales. Fine, \$25 and costs. (F. & D. No. 14520. I. S. No. 3808-f.)

On May 26, 1921, 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 Joseph Sciales and Marion Costa, copartners, trading as the Sciales Grocery Co., St. Louis, Mo., alleging shipment by said defendants, on or about May 21, 1920, in violation of the Food and Drugs Act, as amended, from the State of Missouri into the State of Illinois, of a quantity of alimentary paste which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 22, 1921, the action against Marion Costa having been dismissed, Joseph Sciales entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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

10135. Adulteration of coal-tar color. U. S. * * * v. 12 Pounds of Red Coal-Tar Color * * *, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14626, 14797. I. S. Nos. 3683-t, 4184-t, 4185-t, 4186-t. S. Nos. C-2864, C-2970.)

On May 1 and 11, 1921, respectively, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 27 one-pound cans of red, 3 one-pound cans of yellow, and 1 one-pound can of purple coal-tar color, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the articles had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in part on or about August 9, 1920, and in part on or about February 25, 1921, and transported from the State of Missouri into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the articles was alleged in the libels for the reason that sodium chlorid and sodium sulphate had been mixed and packed with, and substituted wholly or in part for, the said articles. Adulteration was alleged with respect to the red and purple colors for the further reason that they contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render them injurious to health.

On July 20, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

10136. Adulteration and misbranding of condensed milk. U. S. * * * v. 56 Cases of Sweetened Condensed Milk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15221. I. S. No. 6250-t. S. No. E-3461.)

On July 21, 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 a libel for the seizure and condemnation of 56 cases of sweetened condensed milk, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Jersey City, N. J., on or about June 28, 1921, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Janice Brand Sweetened Condensed Milk."

Adulteration of the article was alleged in substance in the libel for the reason that it was a product deficient in fat, which had been mixed and packed with and substituted wholly or in part for the article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butter fat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the package or label bore statements regarding the article or the ingredients and substances contained therein, to wit, "* * * Sweetened Condensed Milk * * * Net Weight 14 Ounces * * *," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 21, 1921, Young and Wile, Ltd., New York, N. Y., claimant, having admitted the allegations of the libel and having 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 claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the said product be disposed of only upon full representations that it was deficient in butter fat and slightly short weight.

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

10137. Adulteration and misbranding of olive oil. U. S. * * * v. 23 Half-Gallon Cans of Olive Oil * * *, et al. Default decrees of condemnation, forfeiture, and sale. A portion of the property destroyed by mistake. (F. & D. Nos. 15304, 15305. I. S. Nos. 8494-t, 8495-t, 8496-t. S. Nos. E-3526, E-3527.)

On August 4, 1921, 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 libels for the seizure and condemnation of 23 half-gallon cans, 31 quart cans, and 10 gallon cans of olive oil, remaining in the original unbroken packages at Baltimore, Md., consigned June 11 and 17, 1921, respectively, alleging that the article had been shipped by Scaduto & Co., New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Pure Olive Oil Sanzio Brand * * *"

Adulteration of a portion of the article was alleged in the libels for the reason that cottonseed oil had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged for the 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. Misbranding was alleged in substance for the further reason that certain statements, designs, and devices regarding the article and the ingredients and substances contained therein, appearing in the labeling of the cans containing a portion of the said article, to wit, "This Olive Oil Is Guaranteed To Be Absolutely Pure Under Chemical Analysis And Excellent For Medical And Table Use * * * Half Gallon," together with similar statements in Italian and a design showing a foreign scene, and the statements "One Quart" or "One Gallon," as the case might be, appearing on the labeling of the cans containing the remainder of the article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to a portion of the article for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it purported to be a foreign product when not so.

On October 1, 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 relabeled so as to comply with the provisions of the said act and that it be sold by the United States marshal. Through an error a portion of the product was destroyed by the United States marshal.

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

10138. Adulteration of canned cherries. U. S. * * * v. 87 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15354. I. S. No. 3792-t. S. No. C-3196.)

On August 30, 1921, 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 a libel for the seizure and condemnation of 87 cases of cherries, consigned by the Graves Canning Co.,