

misbranded. The article was labeled in part, "'Fat Hog Tankage' * * * From Schalker Packing Co. * * * Leavenworth, Kansas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 41.90 per cent of protein, 15.19 per cent of fat, and 3.98 per cent of crude fiber. Examination showed the presence also of hair, bone, oats, and grass.

Adulteration of the article was alleged in the information for the reason that substances, to wit, vegetable matter, stomach and intestinal contents, bones, and hair, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for fat hog tankage, to wit, feeding tankage, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Protein 60 65-100% Fat 26 22-100% Fibre 1 50-100%," borne on the sacks containing the article, regarding it and the substances and ingredients contained therein, were false and misleading in that they represented to the purchaser thereof that the article contained not less than 60.65 per cent of protein, not less than 26.22 per cent of fat and not more than 1.50 per cent of fiber, 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 fat hog tankage, to wit, feeding tankage, and contained not less than 60.65 per cent of protein, not less than 26.22 per cent of fat, and not more than 1.50 per cent of fiber, whereas, in truth and in fact, the said article was composed in part of vegetable matter, stomach and intestinal contents, bones, and hair, and contained less protein than 60.65 per cent, less fat than 26.22 per cent, and more fiber than 1.50 per cent.

On October 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

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

10167. Adulteration and misbranding of mineral water. U. S. * * * v. 109 Cases * * * and 598 * * * Cans of * * * Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15333. I. S. No. 11003-t. S. No. W-1001.)

On August 27, 1921, the United States attorney for the District of Colorado, 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 109 cases, each containing one dozen bottles, and 598 five-gallon cans of mineral water, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Capon Springs Co., Winchester, Va., alleging that the article had been shipped from Winchester, Va., on or about June 22, 1921, and transported from the State of Virginia into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Cacapon Healing Water * * * Capon Springs Co. Capon Springs, W. Va."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a moderately mineralized water and that the dissolved mineral matter consisted chiefly of calcium bicarbonate. The analysis showed further that the sample was polluted.

Adulteration of the article considered as a food was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid animal or vegetable substances.

Misbranding of the article considered as a food was alleged for the reason that the said article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the bottles, since it was a liquid and the contents were stated in pounds. Misbranding of the article considered as a drug was alleged for the reason that the following statements on the label, regarding the curative and therapeutic effect of the said article, to wit, "For Over Two Centuries Leading Physicians Have Prescribed Cacapon (Healing Water) For Many Diseases, Including Some Thought Incurable. * * * Drink * * * And Live * * * Tonic, Alterative And Diuretic, * * * I know of No Water Comparable To Capon for bladder and kidney troubles. * * * I have observed striking results in rheumatic gout, syphilitic rheumatism and chronic inflammation * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 22, 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. The marshal was further directed to sell the containers of the said product if he should find it to the advantage of the Government to do so.

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

10168. Adulteration of frozen mixed eggs. U. S. * * * v. 125 Cases of Frozen Mixed Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15374. I. S. No. 10846-t. S. No. W-936.)

On September 16, 1921, the United States attorney for the District of Colorado, 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 125 cases of frozen mixed eggs, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Swift & Co., Wichita, Kans., alleging that the article had been shipped from Wichita, Kans., July 9, 1921, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sanitary Eggs. 30 Pounds Net Swift & Company, General Offices Chicago, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid animal substances.

On December 22, 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. The marshal was further directed to sell the containers of the said product if he should find it to the advantage of the Government to do so.

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

10169. Misbranding of olive oil. U. S. * * * v. 112 Pint Cans, et al., of Olive Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15554, 15622. I. S. Nos. 11175-t, 13876-t, 13877-t, 13878-t, 13879-t, 13880-t, 13881-t, 13882-t, 13883-t. S. Nos. W-1030, W-1032.)

On or about November 22, 1921, the United States attorney for the District of Colorado, 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 237 half-pint cans, 449 pint cans, 147 quart cans, 59 half-gallon cans, and 42 gallon cans of olive oil, remaining unsold in the original unbroken packages at Trinidad and Denver, Colo., respectively, consigned by the Old Monk Olive Oil Co., Chicago, Ill., alleging that the article had been shipped on or about September 3, 13, and 23 and October 5 and 18, 1921, respectively, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "* * * Old Monk Olive Oil. * * * Old Monk Olive Oil Co., New York, Chicago, Nice."

Misbranding of the article was alleged in substance in the libels for the reason that the statements, to wit, "Net Contents One Half-Pint," "Net Contents One Pint," "Net Contents One Quart," "Net Contents One Half-Gallon," and "Net Contents One Gallon," borne on the respective cans containing the said article, were false and misleading and deceived and misled the purchaser in that the net contents of each of the said cans were less than one half-pint, one pint, one quart, one half-gallon, and one gallon, respectively. Misbranding was alleged for the further reason that the said 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 22, 1921, the Old Monk Olive Oil Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act.

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