

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or in part for, cider vinegar.

Misbranding was alleged for the reason that the statement appearing on the label, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser by representing the product to be pure cider vinegar made from apples, when it was not. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cider vinegar.

On July 27, 1921, the National Association of Cider Manufacturers having entered an appearance as claimant for the property 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 the claimant therefor upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10284. Adulteration and misbranding of horseradish mustard. U. S. * * * v. 2 Barrels * * * of * * * Horseradish Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14666. I. S. No. 1584-t. S. No. C-2878.)

On March 25, 1921, the United States attorney for the Southern District of Ohio, 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 2 barrels of horseradish mustard, remaining unsold in the original barrels at Columbus, Ohio, consigned by the Bayle Food Products Co., St. Louis, Mo., October 9, 1920, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Horseradish Mustard Colored and Flavored with Turmeric * * * Manufactured by the Bayle Food Products Co., St. Louis, Missouri."

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed with, and substituted wholly or in part for, the said article and for the further reason that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designation "Horseradish Mustard" was false and misleading and deceived and misled the purchaser and for the further reason that it was an imitation of, and offered for sale under the distinctive name of, another article.

On February 17, 1922, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10285. Misbranding of olive oil. U. S. * * * v. 12 Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15378. I. S. No. 5494-t. S. No. E-3551.)

On August 18, 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 12 gallon cans of olive oil, remaining unsold at Boston, Mass., alleging that the article had been shipped by Crisafulli Bros., New York, N. Y., on or about June 23, 1921, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Contains One Full Gallon Specialita Olio D'Oliva Purissimo Crisafulli Brand * * * Importato Dall'Italia Da Crisafulli Bros. * * *."

Misbranding of the article was alleged in the libel 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, since the stated quantity, to wit, "One Gallon," was incorrect and represented more than the actual contents of the said package.

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 sold by the United States marshal in a package or

packages properly branded to show the correct weight of the contents thereof. On February 2 a motion to vacate the order of sale and to permit the destruction of the product was filed, which motion was allowed and a warrant to destroy or sell the said product was issued.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10286. Misbranding of Castalian water. U. S. * * * v. 8 Dozen Bottles * * * of * * * Castalian Cal. Nat. Min. Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15650. I. S. No. 5534-t. S. No. E-3681.)

On December 12, 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 8 dozen bottles of a product labeled "Castalian Cal. Nat. Min. Water," remaining unsold at Melrose, Mass., alleging that the article had been shipped by Ralph Smith, Santa Cruz, Calif., on or about October 7, 1921, and transported from the State of California into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Castalian Cal. Nat. Min. Water * * * Rheumatism, Dyspepsia, Skin Diseases, Stomach Troubles to Purify the Blood, * * * Kidney Complaints, Gravel and all other Urinary Troubles, * * * Sore Throat * * *"; (wrapper) "* * * Kidney and Stomach Disorders Catarrh and Impure Blood * * *"; (circular) "* * * Bright's Disease and other Kidney and Urinary Troubles, Rheumatism, Dyspepsia, Indigestion, Bilioussness, and other stomach disorders, Catarrh, Scrofula, Quinsy, Tonsillitis, Diphtheria, Sore Throat from colds, Hay Fever, Chills and Fever, Varicose Veins, Diarrhoea, Inflammation, internal or external; Ulcerations, Leucorrhoea, Boils, Eczema, Salt Rheum and other skin diseases, Blood Poisoning, Poison Oak or Ivy, Sprains, Bruises, Burns and Cuts. Inflammatory Rheumatism, Lumbago, * * * Ulcers, Piles, Fever Sores, Abscesses, * * * Pleurisy, Erysipelas, * * * Gout, La Grippe, * * * Granulated Eyelids. Cold in the Head * * * Sick Headache, * * * Torpid Liver, * * * Sea Sickness, Cramps of the Stomach, * * * Retention of Urine, Diabetes, Private Diseases. * * * Bronchitis, * * * Scalds, * * * Sun Burn, * * * Cramps, Colic, Rash or Hives, * * * Catarrh of the Head, Stomach or Bladder, * * * Inflammation of Womb * * * Suppressed, Profuse or Painful Menstruations * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the dissolved mineral constituents were chiefly the chlorid, sulphate, carbonate, and bicarbonate of sodium.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the bottle labels and wrappers and in the circular packed with the said product, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On February 16, 1922, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10287. Adulteration of concentrated tomato. U. S. * * * v. 5 Cases * * * of Concentrated Tomato. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15652. I. S. No. 5538-t. S. No. E-3713.)

On December 30, 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 5 cases, each containing 200 tins, of concentrated tomato, remaining unsold in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about September 24, 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. The article was labeled in part: "Mt. Etna Brand Concentrated Tomato Stabelimento Di Conserva Alimentoria Napoli Style * * *"

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.