

of 75 cans of a product labeled "Caruso Puro Olio D'Oliva," remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Southern [Olive] Oil Co., New York, N. Y., on or about November 3, 1921, and transported from the State of New York into the State of Delaware, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that substances, oils other than olive 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 damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements on the cans containing the article, "Net Contents One Quarter Gallon Caruso Puro Olio D'Oliva \* \* \* This can contains the best olive oil ever produced \* \* \*," together with a design or device of olive branches showing olives and the use of the Italian language, 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 packages, since the quantity stated was not correct, and for the further reason that the article purported to be a foreign product when not so.

On May 8, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10529. Misbranding of Ferraline. U. S. \* \* \* v. 311 Bottles \* \* \* of \* \* \* Ferraline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16296. Inv. No. 38659. S. No. C-3613.)**

On May 11, 1922, the United States attorney for the Southern District of Texas, 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 311 bottles of Ferraline, at Houston, Tex., alleging that the article had been shipped by the Ferraline Medicine Co., Demopolis, Ala., on or about August 12, 1920, and transported from the State of Alabama into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " \* \* \* For Stomach Trouble, Rheumatism, Indigestion, Kidney Trouble, Blood Purifier, System Builder \* \* \* Builds up the Rundown System, Restores Vitality, Relieves 'Spring Fever' and has no equal in the treatment of Kidney Trouble. For Weak, Puny Children this Natural Tonic can be relied upon no matter how serious or long standing \* \* \*," (bottle) " \* \* \* For Indigestion, Rheumatism, Stomach Trouble, Kidney Trouble, Dysentery. System Builder And Blood Purifier \* \* \*"; (circular) " \* \* \* the greatest System Builder known. \* \* \* Indigestion flees when Ferraline approaches, Rheumatism hides when Ferraline crowds the blood with rich, Red Corpuscles, Nervousness is forgotten when Ferraline takes hold, Weakness and Fear and Physical Timidity give way to Strength and Courage and Force when Ferraline is used regularly. \* \* \* Ferraline \* \* \* will benefit anyone who is weak, rundown and lacking in that full strength and vigor that brings happiness and contentment to the perfect man. Ferraline is the Sure Way. \* \* \* If you are weak and nervous, if your digestive organs are impaired or if you suffer with Rheumatism, kidney or stomach trouble, begin Today taking Ferraline and become Rich in Good Health. Ferraline is guaranteed to give permanent relief to those who suffer with Indigestion, Rheumatism \* \* \* Insomnia, Burns, \* \* \* Eczema, Poison Oak or Stings of any kind. \* \* \* For Indigestion, Dyspepsia, or Stomach Troubles, \* \* \* Rheumatism, \* \* \* General Debility, \* \* \* Dysentery or Bloody Flux. \* \* \* Burns, \* \* \* Kidney Trouble or general rundown condition, \* \* \* Ferraline \* \* \* Will \* \* \* Build Up the System; It Will Positively Relieve Indigestion And Stomach Troubles; It Will Cure Rheumatism When Caused by Impoverished Blood And Many Other Causes; It Is A Wonderful Remedy For Kidney Troubles; \* \* \* Is Especially Recommended For Pellagra Or Any Symptom Of A Run Down, Impoverished Condition \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of about 3 per cent of iron sulphate and other iron compounds and about 97 per cent of water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding its curative or therapeutic effects, appearing on the carton and bottles containing the article and in the accompanying circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 13, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10530. Misbranding of cottonseed cake. U. S. \* \* \* v. Planters Cotton Oil Co., Ltd., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 12476. I. S. No. 11996-r.)**

On December 3, 1920, the United States attorney for the Western District of Oklahoma, 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 Planters Cotton Oil Co., Ltd., a corporation, Natchitoches, La., alleging shipment by said company, on or about January 22, 1919, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.25 per cent of crude protein, 5.10 per cent of crude fat, and 16.21 per cent of crude fiber. Examination of the article showed that the average net weight of 63 sacks was 92.12 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Pounds Gross 99 Lbs. Net Guaranteed Analysis Protein, not less than 41%, Oil or Fat, not less than 6%, Crude Fiber, not more than 12%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the article and that it contained not less than 41 per cent of protein, not less than 6 per cent of oil or fat, and not more than 12 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the said article and that it contained not less than 41 per cent of protein, not less than 6 per cent of oil or fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, each of the said sacks did not weigh 100 pounds gross but did weigh a less amount, the said sacks did not contain 99 pounds net of the article but did contain a less amount, and the said article did contain less than 41 per cent of protein, less than 6 per cent of oil or fat, and more than 12 per cent of crude fiber, to wit, approximately 37.25 per cent of protein, 5.10 per cent of oil or fat, and 16.21 per cent of crude fiber. 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 May 24, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**10531. Misbranding of lake herring. U. S. \* \* \* v. Swift & Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12807. I. S. No. 7335-r.)**

On August 20, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, East St. Louis, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about August 5, 1919, from the State of Illinois into the State of Indiana, of a quantity of an article of food, to wit, lake herring, which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 5 pails was 8½ pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net 10," borne on the pails containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that each of the said pails con-