

District Court of the United States for said district an information against Joseph J. Alexander and Galena Alexander, co-partners, trading as W. W. Alexander & Co., Akron, Ohio, alleging shipment by said defendants, on or about September 6, 1917, in violation of the Food and Drugs Act, as amended, from the State of Ohio into the State of Kentucky, of a quantity of Alexander's rheumatic and malarial remedy which was misbranded. The article was labeled in part: "Alexander's Rheumatic and Malarial Remedy * * * Prepared Only By W. W. Alexander & Co. Chemists, Akron, Ohio, U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs, including a laxative drug, a trace of an alkaloid, a small amount of chloroform, sugar, 2.2 per cent of alcohol, and water. The package contained a powder labeled "L & K Tonic Powder," which consisted essentially of calomel, soda, and a small amount of plant material.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the therapeutic and curative effects of the said article, appearing on the labels of the bottles and cartons containing the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, malarial diseases, la grippe, bilious fevers, intermittent fevers, remittent fevers, chills and fever, liver and kidney diseases, neuralgia, catarrh, backache, sick headache, general debility, nervousness, weakness, and complaints peculiar to females, rheumatic or neuralgic pains in the side, back or limbs, sick headache, kidney affections, dyspepsia, giddiness, nervous diseases, and all diseases arising from a disordered stomach and liver, as a preventive of yellow and typhoid fevers and all fevers arising from impure blood or marsh-miasmatic influences, and as a sure cure for malaria, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article contained chloroform, and the label failed to bear a statement of the quantity or proportion of chloroform contained therein.

On February 10, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

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

10612. Misbranding of cottonseed hulls. U. S. * * * v. 202 Sacks of Cottonseed Hulls. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14009, I. S. No. 11259-t, S. No. C-2607.)

On December 10, 1921, the United States attorney for the Middle District of Alabama, 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 202 sacks of cottonseed hulls, remaining in the original unbroken packages at Alexander City, Ala., alleging that the article had been shipped by the Webb-Sumner Oil Mill, Webb, Miss., October 19, 1920, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the quantity of the contents was not plainly and conspicuously marked on the outside of each sack.

On May 23, 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.*

10613. Misbranding of Pratt's cow remedy. U. S. * * * v. 12 Cans * * * of Pratt's Cow Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14883, Inv. No. 31433, S. No. E-3336.)

On April 22, 1921, the United States attorney for the District of New Jersey, 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 cans of Pratt's cow remedy, remaining in the original unbroken packages at Hammonton, N. J., alleging that the article had been shipped by the Pratt Food Co., Philadelphia, Pa., on or about April 13, 1921, and transported from the State of Pennsylvania into the State of New Jersey, 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 consisted essentially of a mixture of salt, soda, Epsom salt, iron oxid, fenugreek, ginger, nux vomica, and gentian.

Misbranding of the article was alleged in substance in the libel for the reason that the statements borne on the cans containing the said article, to wit, " * * * For Barrenness * * * For Calves: For preventing or treating scours, * * * For Accidental Or Non-Contagious Abortion * * * Contagious Abortion * * * Retained Afterbirth * * * Pratts Cow Remedy is a tested compound to aid in the prevention and treatment of abortion (slinking of calves), barrenness (failure to breed), retained afterbirth * * *," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and to create in the minds of purchasers thereof the impression and belief that the said article possessed the curative and therapeutic qualities claimed for it, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 9, 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.*

10614. Adulteration and misbranding of olive oil. U. S. * * * v. 48 Cans * * * of Olive Oil * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14951. I. S. No. 6286-t. S. No. E-3364.)

On May 27, 1921, the United States attorney for the District of New Jersey, 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 48 cans of olive oil, remaining in the original unbroken packages at Bayonne, N. J., alleging that the article had been shipped by Vincent Carrara, New York, N. Y., on or about March 30, 1921, and transported from the State of New York into the State of New Jersey, 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 a substance, to wit, cottonseed oil, had been substituted wholly for pure and extra fine olive oil, which the article purported to be.

Misbranding was alleged in substance for the reason that the statements, to wit, "Extra Fine Olive Oil Olio D'Oliva Purissimo Importato Italia Brand Quest 'Olio Di Oliva Risulta Assolutamente Puro Sotto Analisi Chimica," together with the designs of a crown, lion, and olive branches, borne on the cans containing the article, concerning the said article and the ingredients contained therein, were false and misleading in that the said statements and designs represented the article to be pure olive oil of extra fine quality, imported from a foreign country, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil imported from a foreign country, whereas, in truth and in fact, it was not olive oil and was not an imported article but was a product made in the United States of America consisting wholly of cottonseed oil. Misbranding was alleged for the further reason that the article was a product composed wholly of cottonseed oil prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, olive oil; 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 February 9, 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.*

10615. Misbranding of olive oil. U. S. * * * v. 5 * * * Gallon Size and 19 * * * Quart Size Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15014. I. S. Nos. 6618-t, 6620-t. S. No. E-3389.)

On June 29, 1921, the United States attorney for the District of New Jersey, 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 gallon size cans and 19 quart size cans of olive oil, remaining unsold at Newark, N. J., alleging that the article had been shipped by the Economu-Ritsos Co., Inc., New York, N. Y., on or about May 24, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Gallon Net" (or "One Quart Net") "Prodotti Italiani Puro