

10874. Adulteration of pepper relish, Thousand Island dressing, sweet piccalilli, and sweet mixed pickles. U. S. v. 10 Cases of Pepper Relish, 25 Cases of Thousand Island Dressing, 10 Cases of Sweet Piccalilli, and 10 Cases of Sweet Mixed Pickles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15353. I. S. Nos. 1097-t, 1098-t, 1100-t, 4876-t. S. No. C-3195.)

On September 6, 1921, the United States attorney for the Western District of Michigan, 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 10 cases of pepper relish, 25 cases of Thousand Island dressing, 10 cases of sweet piccalilli, and 10 cases of sweet mixed pickles, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the articles had been shipped by the Chicago Food Products Co., Chicago, Ill., on or about June 25, 1921, and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Square Seal S. S. Brand * * * Pepper Relish Square Seal Food Products Co., Chicago;" "Square Seal S. S. Brand * * * Thousand Island Dressing * * *;" "Square Seal S. S. Brand * * * Sweet Piccalilli * * *;" "Square Seal S. S. Brand * * * Sweet Mixed Pickles * * *."

Adulteration of the articles was alleged in substance in the libel for the reason that a substance, namely, saccharin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles, for the further reason that they were mixed with saccharin in a manner whereby damage and inferiority were concealed, and for the further reason that they contained a certain added, deleterious, and poisonous substance, namely, saccharin, which might have rendered such articles injurious to health.

On December 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

10875. Misbranding of mineral water. U. S. v. Excelsior Springs Mineral Water & Bottling Co., a Corporation. Confession of judgment. Fine, \$10 and costs. (F. & D. No. 15993. I. S. No. 3962-t.)

On April 12, 1922, the United States attorney for the Western 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 the Excelsior Springs Mineral Water & Bottling Co., a corporation, Excelsior Springs, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 25, 1921, from the State of Missouri into the State of Kansas, of a quantity of mineral water which was misbranded. The article was labeled in part: "Sulpho-Saline Still Natural Mineral Water * * * Excelsior Springs Mineral Water & Bottling Co. Excelsior Springs Missouri."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 9.24 grams per liter of dissolved mineral matter.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the labels of the bottles containing the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for stomach troubles, headache, jaundice, and vertigo, when, in truth and in fact, it was not.

On June 7, 1922, a confession of judgment was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

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

10876. Misbranding of olive oil. U. S. v. 18 Cans, et al, of Olive Oil. Default decrees ordering sale of the product. (F. & D. Nos. 15951, 15953. I. S. Nos. 873-t, 874-t, 18608-t. S. No. C-3407.)

On January 31 and February 8, 1922, respectively, the United States attorney for the District of Indiana, 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 18 half-gallon cans, 18 quart cans, and 48 pint cans of olive oil, remaining in the original unbroken packages, in part at Indiana Harbor and in part at Gary, Ind., alleging that the article had been

shipped by the Greek Products Importing Co., Chicago, Ill., between the dates of November 25 and December 30, 1921, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Victory Brand * * * Contents $\frac{1}{2}$ Gallon * * * " (or "Contents 1 Quart" or "Contents 1 Pint").

Misbranding of the article was alleged in substance in the labels for the reason that the labels on the respective-sized cans containing the article, to wit, "Contents $\frac{1}{2}$ Gallon," "Contents 1 Quart," and "Contents 1 Pint," were false and misleading, and deceived and misled the purchaser.

On June 14, 1922, no claimant having appeared for the property, judgments of the court were entered ordering that the product be sold by the United States marshal.

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

10877. Misbranding of flour. U. S. v. The Kansas Flour Mills Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 16004. I. S. No. 5060-t.)

On April 3, 1922, the United States attorney for the Western 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 the Kansas Flour Mills Co., a corporation, trading at Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about February 8, 1921, from the State of Missouri into the State of Massachusetts, of a quantity of flour which was misbranded. The article was labeled in part: "'The Final Argument' 24 $\frac{1}{2}$ Lbs. The Kansas Flour Mills Company. * * * Made-Rite Flour Kansas City, U. S. A. * * *."

Examination, by the Bureau of Chemistry of this department, of 130 sacks of the article showed that the average net weight of the sacks examined was 23.7 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "24 $\frac{1}{2}$ Lbs.," borne on the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of said sacks contained 24 $\frac{1}{2}$ pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive the purchaser into the belief that each of the said sacks contained 24 $\frac{1}{2}$ pounds of the said article, whereas, in truth and in fact, each of said sacks did not contain 24 $\frac{1}{2}$ pounds of the article, but did contain a less amount. 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 27, 1922, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

10878. Misbranding of vegetable salad oil and olive oil. U. S. v. Reliable Importing Co., Inc., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 16236. I. S. Nos. 15481-t, 15482-t, 15483-t.)

On June 27, 1922, 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 an information against the Reliable Importing Co., Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Connecticut, on or about August 2 and 6, 1921, respectively, of quantities of olive oil, and on or about September 5, 1921, of a quantity of vegetable salad oil, all of which were misbranded. The articles were labeled in part, respectively: "Olio D'Oliva Puro Importato Imported Pure Olive Oil Lucca Vapore-Marina Italia Brand Net Contents 1 Gal." (or "1 Quart"); "Contadina Brand Superior Quality Oil Vegetable Salad Oil * * * Net Contents 1 Gal. * * *."

Examination of the articles by the Bureau of Chemistry of this department showed that 12 cans of the so-called gallon size of olive oil had an average volume of 0.964 gallon, that 12 cans of the so-called quart size of olive oil had an average volume of 0.984 quart, and that 8 cans of the vegetable salad oil had an average volume of 0.965 gallon.

Misbranding of the articles was alleged in the information for the reason that the respective statements, to wit, "Net Contents 1 Gal." and "Net Contents