

and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 11, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

**10944. Adulteration and misbranding of olive oil. U. S. v. 23 Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15358. I. S. No. 516-t. S. No. C-3201.)

On September 6, 1921, the United States attorney for the Northern 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 23 cans of alleged olive oil, remaining in the original unbroken packages at Alliance, Ohio, alleging that the article had been shipped by S. A. Touris, New York, N. Y., on or about July 20, 1921, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for olive oil.

Misbranding was alleged in substance for the reason that the statement "Finest Quality Table Oil Tipo Termini Imerese," together with a design of an olive tree, appearing on the labels of the cans containing the said article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On October 12, 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.

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

**10945. Misbranding of 999 nerve tonic. U. S. v. 7 Packages of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15492. S. No. C-3276.)

On October 25, 1921, 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 a libel for the seizure and condemnation of 7 packages of 999 nerve tonic, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Combination Remedy Co., Pittsburgh, Pa., on or about September 7, 1921, and transported from the State of Pennsylvania into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "999 Nerve Tonic The Capsules contained in this package are considered by best authority to be the best possible remedy for nervous disorder and lost vitality, no matter from what cause."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of capsules containing phosphorus and extracts of nux vomica and damiana.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, appearing on the label of the package containing the said article, were false and fraudulent in that it did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 25, 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.*

**10946. Adulteration of alfalfa meal. U. S. v. William H. North and John North (North Bros.). Pleas of guilty. Fine, \$25 and costs.** (F. & D. No. 15848. I. S. No. 11647-r.)

On March 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 William H. North and John North, a copartnership, trading as North Bros., Kansas City, Mo., alleging shipment by said defendants, in violation of the

Food and Drugs Act, on or about June 7, 1920, from the State of Missouri into the State of Tennessee, of a quantity of unlabeled alfalfa meal which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was low in protein for straight alfalfa meal. Examination by said bureau showed that it contained foreign tissues, probably from grasses or hay.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, ground prairie hay, 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 unthreshed ground alfalfa hay, to wit, alfalfa meal, which the said article purported to be. Adulteration was alleged for the further reason that a substance, to wit, ground prairie hay, had been mixed with the article in a manner whereby its damage and inferiority to alfalfa meal was concealed.

On May 27, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

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

**10947. Adulteration of tomato sauce. U. S. v. 16 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15945. I. S. No. 5989-t. S. No. E-3754.)**

On January 28, 1922, the United States attorney for the Western District of Pennsylvania, 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 16 cases of tomato sauce, at Pittsburgh, Pa., alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about September 13, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Royal Kitchen Brand Page Tomato Sauce Packed by Thomas Page Albion, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 22, 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.*

**10948. Misbranding of olive oil. U. S. v. 14 Gallon Cans and 31 Quart Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16179. I. S. Nos. 1809-t, 1810-t. S. No. C-3584.)**

On May 1, 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 a libel for the seizure and condemnation of 14 gallon cans and 31 quart cans of olive oil, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by G. P. Papadopoulos, New York, N. Y., on or about March 4, 1922, and transported from the State of New York into the State of Missouri, and charging misbranding in violation of the Food and Drug Act, as amended. The article was labeled in part: (Cans) "Olio d'Oliiva Vergine \* \* \* Net Contents Full Gallon" (or "Full Quarter Gallon") "G. P. P. \* \* \* G. P. Papadopoulos \* \* \*."

Misbranding of the article was alleged in substance in the libel for the reason that the statements in the labels of the cans containing the said article, to wit, "Net Contents Full Gallon" and "Net Contents Full Quarter Gallon," as the case might be, were false and misleading and deceived and misled the purchaser in that the actual contents of the said cans was less than the stated 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 packages.

On June 20, 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.*