

Wine-O for the further reason that it was a product inferior to a beverage flavored with fruit and berry juices, to wit, a mixture containing saccharin and flavored with phosphoric acid, and was colored with certain coal-tar dyes, to wit, amaranth and orange I, so as to simulate the appearance of a beverage flavored with fruit and berry juices and in a manner whereby its inferiority to such a beverage was concealed. Adulteration was alleged with respect to the Strawberri for the further reason that it was an article inferior to a product made from strawberries, to wit, a mixture artificially flavored and which contained a large portion of saccharin, and was colored with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of a product made from strawberries and in a manner in which its inferiority to such product was concealed. Adulteration was alleged with respect to both products for the reason that they contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render the said articles injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Wine-O Flavored With Fruit and Berry Juices," together with the design and device of peaches, grapes, apples, pineapple, strawberry, and orange, borne on the labels attached to the bottles containing the Wine-O, and the statement, "Purity Strength Strawberri," borne on the labels attached to the bottles containing the Strawberri, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that they represented that the said articles were beverages flavored with fruit juices or a product made from strawberries, as the case might be, and for the further reason that the Wine-O was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a beverage flavored with fruit and berry juices, whereas, in truth and in fact, the said Wine-O was not a beverage flavored with fruit and berry juices, but was an artificially colored mixture containing saccharin, flavored with phosphoric acid, and which contained little or no fruit and berry juices, and the said Strawberri was not a product made from strawberries, but was a mixture artificially flavored and colored and which contained saccharin. Misbranding was alleged with respect to the Strawberri for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On August 1, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

10963. Misbranding of Lung Germine. U. S. v. 30 Bottles of Lung Germine. Default decree of condemnation and forfeiture. Product disposed of according to law. (F. & D. No. 15090. I. S. No. 10718-t. S. No. W-988.)

On June 27, 1921, the United States attorney for the Southern District of California, 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 30 bottles of Lung Germine, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Lung Germine Co., Jackson, Mich., alleging that the article had been shipped from Jackson, Mich., on or about January 29 and May 2, 1921, and transported from the State of Michigan into the State of California, 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 sulphuric acid and water, with small quantities of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

It was alleged in substance in the libel that the article was misbranded in that the bottles and cartons containing the said articles were labeled in part as follows, (bottle) "Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) * * * Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle * * * " (carton) "* * * Use no other lung medicine when using Lung Germine. Read carefully the circular accompanying this bottle. * * * Your lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pain in chest and sides? Do you spit yellow black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symp-

toms. Keep Lung Germine in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages)," which statements on the said labels and cartons were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 19, 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 disposed of by the United States marshal according to law.

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

10964. Misbranding of Allan's compound extract of damiana. U. S. v. 10 Bottles of Allan's Compound Extract of Damiana. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14788. S. No. C-2972.)

On August 14, 1921, the United States attorney for the Eastern District of Louisiana, 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 bottles of Allan's compound extract of damiana, remaining unsold in the original unbroken packages at Houma, La., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about February 5, 1921, and transported from the State of Missouri into the State of Louisiana, 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 of extracts of plant drugs, including nuxvomica, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, appearing on the labels of the bottle and carton containing the same, (bottle and carton) " * * * A Tonic For Both Sex * * *," (carton) " * * * Aphrodisiac * * * for General Weakness * * * Nervous Debility * * *," together with the design and device of a male figure holding to his lips left hand of female figure and with his right arm at her back, right hand resting on her shoulder holding her right hand, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the article contained alcohol, and the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On December 7, 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.*

10965. Misbranding of olive oil. U. S. v. 25 Cans, et al., of Olive Oil. Default decrees ordering sale of product. (F. & D. Nos. 15958, 15959, 15960, 15961, 15962, 15963. I. S. Nos. 875-t, 18603-t, 18604-t, 18605-t, 18606-t, 18607, 18609-t, 18611-t. S. Nos. C-3411, C-3412, C-3413, C-3414, C-3415, C-3416.)

On February 8, 1922, 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 50 7½-ounce cans, 45 pint cans, 177 quart cans, 61 half-gallon cans, and 9 gallon cans of olive oil, remaining in the original unbroken packages, in part at Indiana Harbor, in part at Gary, and in part at Hammond, Ind., alleging that the article had been shipped in various consignments by Deligiannis Bros., the Nasiacos Importing Co., and Kakarakis Bros., all of Chicago, Ill., between the dates of February 14 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 variously labeled in part: "Net Contents One Quart" (or "One Pint") " * * * Pure Olive Oil Universal Brand Deligiannis Bros. Chicago, U. S. A. * * *;" "Contents ½ Gallon 60 Fl. Ozs." (or "Contents ¼ Gallon 30 Fl. Ozs.," "Contents 15 Fl. Oz.," or "Contents 7½ Fl. Oz.") "Athlete Brand Pure Olive Oil * * * Nasiacos Importing Co., Chicago, Ill.," "Contents 1 Quart" (or "Contents 1