

22, 1919, and transported from the State of Louisiana into the State of Alabama, 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 extracts of plant drugs including ipecac and squill, small amounts of morphine and acetic acid, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling of the said article contained statements to the effect that it was recommended as hastening a cure for whooping cough, pains in the breast, asthma, croup, hoarseness, inflammation of the lungs and catarrhal affections, pneumonia, incipient consumption, pains in the joints, bones, and muscles, and difficulty in breathing, which said statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 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. F. MARVIN, *Acting Secretary of Agriculture.*

11025. Misbranding of olive oil. U. S. v. 29 Half-gallon Cans and 47 Gallon Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15641. I. S. Nos. 13885-t, 13886-t. S. No. W-1034.)

On November 29, 1921, the United States attorney for the District of Colorado, 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 29 half-gallon cans and 47 gallon cans of olive oil, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Old Monk Olive Oil Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about November 12, 1921, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "France Old Monk Olive Oil Virgin * * * From Nice, France Old Monk Olive Oil Co. New York—Chicago—Nice Net Contents One Half Gallon" (or "One Gallon").

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents One Half Gallon," appearing on each of the said half-gallon cans, and the statement, to wit, "Net Contents One Gallon," appearing on each of the said gallon cans, were false and misleading and deceived and misled the purchaser in that the net contents of the said half-gallon cans was less than one-half gallon and the net contents of each of the said gallon cans was less than one gallon. 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 January 10, 1922, the Old Monk Olive Oil Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

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

11026. Adulteration and misbranding of milk chocolate dainties. U. S. v. 204 ½-Pound Boxes of Milk Chocolate Dainties. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15778. I. S. No. 8139-t. S. No. E-3805.)

On March 17, 1922, the United States attorney for the Eastern 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 204 ½-pound boxes of milk chocolate dainties, remaining in the original unbroken packages at Allentown, Pa., consigned by Brewster Sons Co., Newark, N. J., alleging that the article had been shipped from Newark, N. J., on or about February 11, 1922, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Half