

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11351-11400.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 28, 1923.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11351. Misbranding of black olives. U. S. v. Thomas Nasiacos, James Mollars, and Harry Kokenes (Nasiacos Importing Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 14918. I. S. No. 1995-t.)

On January 25, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Nasiacos, James Mollars, and Harry Kokenes, copartners, trading as Nasiacos Importing Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 24, 1920, from the State of Illinois into the State of Michigan, of a quantity of black olives which were misbranded. The article was labeled in part: "Kalamata Brand Black Olives in Olive Oil Imported & Packed Special by Nasiacos Importing Co. * * * Chicago, Ill."

Examination of the article by the Bureau of Chemistry of this department showed that they were South American olives.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Kalamata * * * Black Olives," borne on the cans containing the said article, regarding the article, was false and misleading in that it represented that the said article consisted of black olives from Kalamata, in the kingdom of Greece, 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 an article consisting of black olives from Kalamata, in the kingdom of Greece, whereas, in truth and in fact, it was not an article consisting of black olives from Kalamata, in the kingdom of Greece, but did consist of an article produced in South America. 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 October 13, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

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

11352. Adulteration of filberts. U. S. v. 4 Bags of Filberts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15741. I. S. Nos. 11138-t, 11141-t, 11146-t. S. No. W-1036.)

On December 22, 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 4 bags of filberts, remaining unsold in the original unbroken packages at Denver, Colo., consigned by William A. Camp & Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or

about June 3, 1921, and transported from the State of New York into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

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

On January 26, 1923, 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.*

11353. Misbranding of Abbott Bros. compound for rheumatism. U. S. v. 14 Bottles of Abbott Bros. Compound for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16270. S. No. C-3589.)

On May 13, 1922, the United States attorney for the District of Nebraska, 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 bottles of Abbott Bros. compound for rheumatism at Lincoln, Nebr., alleging that the article had been shipped by the Abbott Bros. Co., Berwyn, Ill., on or about October 26, 1921, and transported from the State of Illinois into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "* * * for Rheumatism;" (carton) "* * * for Rheumatism * * * Muscular, Articular, Inflammatory * * * Sciatica, Rheumatic Neuritis, and Stiffness and Soreness of the Joints and Muscles * * * Lumbago and all Muscular and Nerve Pains of Rheumatic Origin;" (circular) "For Rheumatism."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 8 per cent of potassium iodid, 1.5 per cent of extracts of plant drugs including colchicum, 16.9 per cent of alcohol, and approximately 73 per cent of water, flavored with small amounts of aromatics, including methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 13, 1923, 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.*

11354. Misbranding of olive oil. U. S. v. Nickitas P. Economou (N. P. Economou & Theodos). Plea of guilty. Fine, \$1,000. (F. & D. No. 16846. I. S. Nos. 5086-t, 6415-t, 6493-t, 6500-t, 6962-t.)

At the February, 1923, term of the United States District Court, within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Nickitas P. Economou, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about April 30, May 11, and May 12, 1921, respectively, from the State of New York into the States of Massachusetts, New Jersey, and Pennsylvania, respectively, of various quantities of olive oil which was misbranded. The article was labeled in part: (Cans) "Rigoletto Brand * * * Virgin Pure Olive Oil * * * Net Contents 1 Gal." (or "Net Contents $\frac{1}{2}$ Gal." or "Net Contents 1 Qt.").

Examination by the Bureau of Chemistry of this department of a sample taken from each of the consignments showed that the said cans contained less of the article than the quantity declared on the labels thereof.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents 1 Gal.," "Net Contents $\frac{1}{2}$ Gal.," and "Net Contents 1 Qt.," borne on the respective-sized cans containing the said article, regarding the article, were false and misleading in that the said statements represented that each of the said cans contained one gallon, one-half gallon or one quart net of the said article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one gallon, one-half gallon, or one quart net of the said article, as the case might be,