

seizure and condemnation of 70 cases of oysters at Little Rock, Ark., alleging that the article had been shipped by the Hilton Head Packing Co., Savannah, Ga., on or about March 27, 1922, and transported from the State of Georgia into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "American Ace Brand * * * Oysters Net Contents 5 Oz. Oyster Meat * * * Packed by Hilton Head Packing Co. Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement on the label, "Net Contents 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. 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 February 1, 1923, the Hilton Head Packing Co., Savannah, Ga., claimant, having consented to the entry of a decree, judgment of condemnation 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 good and sufficient bond, conditioned in part that the product be rebranded as follows: "Slack Filled: A package of this size should contain 5 ounces Oyster Meat. Actual cut-out weight in this can 3.5 ounces."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11464. Adulteration of canned cherries. U. S. v. 1,498 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16800. I. S. No. 3766-v. S. No. C-3797.)

On or about September 5, 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 a libel praying the seizure and condemnation of 1,498 cases of canned cherries, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Grand Traverse Packing Co., from Traverse City, Mich., August 8, 1922, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On May 1, 1923, the Grand Traverse Packing Co., Traverse City, Mich., claimant, having admitted the material 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11465. Adulteration and misbranding of corn salad oil flavored with olive oil. U. S. v. Michael Montagnino and Ignatius Scaduto (Montagnino & Scaduto). Plea of guilty. Fine, \$200. (F. & D. No. 16965. I. S. No. 15569-t.)

On February 23, 1923, 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 Michael Montagnino and Ignatius Scaduto, copartners, trading as Montagnino & Scaduto, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 20, 1922, from the State of New York into the State of Connecticut, of a quantity of corn salad oil flavored with olive oil which was adulterated and misbranded. The article was labeled in part: (Cans) "Sant'Antonio Brand * * * Corn Salad Oil Flavored Slightly With Pure Olive Oil A Compound Montagnino & Scaduto, - New York Superior Quality Net Contents One Gallon."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of corn oil, cottonseed oil, and some other

oil. Examination by said bureau showed that the average contents of 10 cans was 0.98 gallon.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, cottonseed oil and oil other than corn salad oil or olive oil, had been substituted in part for corn salad oil flavored with olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Corn Salad Oil Flavored Slightly With Pure Olive Oil" and "Net Contents One Gallon," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was corn salad oil slightly flavored with pure olive oil and that each of the said cans contained 1 gallon net of the article, 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 corn salad oil flavored with pure olive oil and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not corn salad oil flavored slightly with pure olive oil but was a product composed in whole or in part of cottonseed oil and oil other than corn salad oil or olive oil, and each of said cans did not contain 1 gallon net 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 April 11, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11466. Misbranding of Plough's Prescription C-2223. U. S. v. 22 Bottles and 27 Bottles of Plough's Prescription C-2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17352. I. S. No. 6652-v S. No. C-3925.)

On March 10, 1923, the United States attorney for the Eastern 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 praying the seizure and condemnation of 22 bottles, large size, and 27 bottles, small size, of Plough's Prescription C-2223, remaining unsold in the original and unbroken bottles at St. Louis, Mo., alleging that the article had been shipped by the Plough Chemical Co., Memphis, Tenn., on or about February 10, 1923, and transported from the State of Tennessee into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "A Blood Purifier Recommended For Treatment of Rheumatism * * *. In severe cases, take * * * until relieved;" (carton, large size) "Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions Blood Disorders Eczema, Chronic Sores and similar affections arising from bad blood," (small size) "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions;" (circular) "A Reliable Blood Purifier A Treatment for Rheumatism * * * Sciatica, Lumbago, Lame Back. Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. * * * for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C-2223. * * * 'In * * * conditions due to tainted blood, it acts as a specific.' * * * 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute * * * cases.' * * * Prescription C-2223 has relieved * * * many thousands, suffering from Rheumatism * * * Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, extracts of plant drugs including colchicum, glycerin, alcohol, and water.