

whereas, in truth and in fact, the said apples were not standard grade Baldwins of not less than 2½ inches each.

On December 8, 1922, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

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

11561. Adulteration and misbranding of oil. U. S. v. Karasos. Plea of nolo contendere. Fine, \$25. (F. & D. No. 10250. I. S. No. 12710-r.)

On April 5, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against S. Karasos, Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 10, 1918, from the State of Massachusetts into the State of Connecticut, of a quantity of oil which was adulterated and misbranded. The article was labeled in part: "Extra Fine Quality Oil Compound of olive oil and cotton seed oil One Full Quart."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted almost wholly of cottonseed oil and that it was short in volume.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Extra Fine Quality Oil," in prominent type, together with the design and device of olive branches bearing olives, not corrected by the statement in inconspicuous type, "Compound of olive oil and cotton seed oil," and the statement, to wit, "One Full Quart," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil and that each of the said cans contained 1 full quart thereof, 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 olive oil and that each of the said cans contained 1 full quart of the article, whereas, in truth and in fact, it was not olive oil but was a mixture composed in large part of cottonseed oil which contained little, if any, olive oil, and each of said cans did not contain 1 full quart 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 November 23, 1922, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

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

11562. Adulteration and misbranding of Sparkling White Seal. U. S. v. 4 Cases, et al., of Sparkling White Seal. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14035, 14036. I. S. Nos. 6481-t, 6482-t. S. Nos. E-2919, E-2920.)

On February 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 12 cases and 36 bottles of Sparkling White Seal, remaining unsold in part at Newark and in part at Orange, N. J., alleging that the article had been shipped by the Duffy-Mott Co., Inc., New York, N. Y., in part November 5 and in part November 8, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sparkling * * * White Seal Made By Duffy-Mott Co. Inc. New York."

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, artificially carbonated, sweetened, diluted apple juice, flavored with capsicum, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for champagne which the said article from its labeling and foil-covered wired cork and neck and general dress of the bottle purported to be. Adulteration was alleged for the further reason that an artificially carbonated, sweetened, diluted apple juice, flavored with capsicum, had been mixed with the article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statement appearing on the bottles, regarding the article and the ingredients and substances contained therein, to wit, "Sparkling * * * White Seal," together with the general appearance of the said bottles, to wit, foil-covered wired cork and neck, were false and misleading in that they represented that the article was a well-known brand of champagne, containing an alcoholic content, to wit, White Seal, made by Moët & Chandon in France, and for the further reason that the said statement and the pictorial representation of symbolic royal lions deceived and misled the purchaser into the belief that the article was an imported alcoholic liquor, whereas, in truth and in fact, it was not but was a product composed of artificially carbonated, sweetened, diluted apple juice, flavored with capsicum. Misbranding was alleged for the further reason that the article was a product composed of artificially carbonated, sweetened, diluted apple juice, flavored with capsicum, prepared in imitation of champagne and offered for sale under the distinctive name of another article, to wit, White Seal, a champagne made in France.

On June 23, 1923, the claim and answer previously entered by the Duffy-Mott Co., claimant, having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

11563. Adulteration of coal-tar color. U. S. v. 3 Cans of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14631. I. S. No. 2332-t. S. No. E-3177.)

On March 19, 1921, the United States attorney for the Western District of North Carolina, 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 3 cans of coal-tar color at Statesville, N. C., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., February 25, 1921, and transported from the State of Missouri into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "1 Lb. Net Manufacturing Chemists W. B. Wood Mfg. Co. * * * Warranted Complies With All Requirements Quality Color * * * Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that salt and sulphates had been mixed and packed with and substituted wholly or in part for the article. Adulteration was alleged for the further reason that the article contained an added poisoned [poisonous] or deleterious ingredient, arsenic, which rendered it injurious to health.

On April 27, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be condemned and destroyed.

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

11564. Misbranding of Egyptian regulator tea. U. S. v. 3 Dozen Packages of Egyptian Regulator Tea. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14638. S. No. E-3187.)

On March 18, 1921, the United States attorney for the Eastern District of South Carolina, 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 3 dozen packages of Egyptian regulator tea, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Kells Co., Newburgh, N. Y., on or about August 9, 1920, and transported from the State of New York into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (White circular) "Egyptian Regulator Tea * * * A Speedy and Positive relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness * * * Nature's Own Gift To Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption. Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * Malaria * * * killing the Disease Germs * * * Heart Troubles, Paralysis, Rheumatism,