

11720. Adulteration of flour. U. S. v. 206 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16391. I. S. No. 14039-t. S. No. W-1099.)

On June 13, 1922, the United States attorney for the Western District of Washington, 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 206 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Ellison Milling & Elevator Co., from Lethbridge, Alberta, Canada, May 5, 1922, and imported from a foreign country into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ellison Milling & Elevator Company Our Best * * * Spring Wheat Flour Patent Lethbridge, Alberta, Canada. 98 Lbs. Net Wt."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

On June 16, 1922, M. J. Lehmann, trading as Lehmann Bros., Seattle, Wash., claimant, having admitted the allegations of the libel and confessed judgment, a decree 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 \$800, in conformity with section 10 of the act, conditioned in part that the product be reconditioned under the supervision and to the satisfaction of this department.

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

11721. Adulteration of flour. U. S. v. 200 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16432. I. S. No. 14047-t. S. No. W-1104.)

On or about June 20, 1922, the United States attorney for the Western District of Washington, 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 200 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Montana Flour Mills Co., from Great Falls, Mont., February 25, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Montana Flour Mills Co. Highest Patent Sapphire Flour * * * Made From Selected Hard Wheat Matured Bleached * * * 49 Lbs. Net Sapphire Flour 'It's The Wheat.'"

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

On June 23, 1922, Galbraith & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and confessed judgment, a decree 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, conditioned in part that the product be reconditioned under the supervision and to the satisfaction of this department.

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

11722. Adulteration of chloroform. U. S. v. 23 Tins, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16461, 16501, 16502, 16503, 16504. S. Nos. E-3982, E-4004, E-4008, E-4009, E-4010.)

On June 26, 29, and 30, 1922, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 376 tins or cans of chloroform, in various lots at New Castle, McKeesport, Emlenton, and Pittsburgh, Pa., respectively, alleging that the article had been shipped from New York, N. Y., between the dates of March 15 and May 24, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained chlorides, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation.

On April 24, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

11723. Adulteration and misbranding of olive oil and table oil. U. S. v. Nicholas Gamanos, George Booskos, and Athanasios Booskos (Gamanos & Booskos). Pleas of guilty. Fine, \$450. (F. & D. No. 16950. I. S. Nos. 6263-t, 6957-t, 6958-t, 6964-t, 8081-t, 8485-t, 8497-t.)

On May 28, 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 Nicholas Gamanos, George Booskos, and Athanasios Booskos, copartners, trading as Gamanos & Booskos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 3, 1920, from the State of New York into the State of Rhode Island, of a quantity of olive oil which was adulterated and misbranded, on or about May 4, 12, 14, and 17, 1921, respectively, from the State of New York into the State of Pennsylvania, of various consignments of olive oil which was misbranded, and on or about May 9 and July 2, 1921, respectively, from the State of New York into the State of Maryland, of two consignments of so-called table oil which was adulterated and misbranded. The articles were labeled variously, in part: "Prodotti Italiani Olio d'Olive Pure Olive Oil Sopraffino * * * Italia Brand Trade Mark Lucca Toscana Italia Net Contents $\frac{1}{2}$ Gall.;" "Justice Brand * * * Trade Mark Reg. Imported Virgin Pure Olive Oil Net Contents One Gallon * * * Gamanos & Booskos Importers & Packers N. Y.;" "Finest Quality Table Oil * * * Termini Imerese Type Net Contents One Gallon Cotton Seed Salad Oil Slightly Flavored With Olive Oil."

Analysis of a sample of the Italia brand oil by the Bureau of Chemistry of this department showed that it was not olive oil but was probably cottonseed oil. Analyses of samples of the table oil by said bureau showed that it was a mixture of vegetable oils, principally cottonseed oil and corn oil; each of the cans examined contained less than 1 gallon of the article, the quantity declared on the label. Examination by said bureau of a sample taken from each of the four consignments of Justice brand oil showed shortages from the declared volume of 4.9, 4.7, 3.9, and 4.2 per cent, respectively.

Adulteration was alleged with respect to the Italia brand oil and the so-called table oil for the reason that substances, to wit, cottonseed oil and oils other than olive 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 large part for olive oil, which the article purported to be.

Misbranding was alleged with respect to the Italia brand oil for the reason that the statements, to wit, "Prodotti Italiani * * * Pure Olive Oil" and "Lucca Toscana Italia," together with the designs and devices of the Italian shield and Italian flag, 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 olive oil and that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, 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 it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, whereas, in truth and in fact, it was not olive oil but was a mixture composed in large part of cottonseed oil and oils other than olive oil, and it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America. Misbranding was alleged with respect to the said Italia brand oil for the further reason that it was a mixture composed in large part of cottonseed oil and oils other than olive oil, and was offered for sale and sold under the dis-