

Adulteration of the article was alleged in the libel for the reason that a substance, mineral matter, had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Pure Cocoa Powder," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On August 12, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14572. Misbranding of evaporated apples. U. S. v. 18 Cases and 25 Cases of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20112. I. S. Nos. 14651-v, 14652-v. S. No. C-5015.)

On June 11, 1925, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 43 cases of evaporated apples, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Aspegren Fruit Co., Sodus, N. Y., on or about November 25, 1924, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "La Perla Brand Evaporated Apples" (or "Victor Brand Evaporated Apples") "Sulphured Packed By The Aspegren Fruit Co. Sodus, N. Y. Net Weight 15 Oz." (or "Net Weight 8 Ounces").

It was alleged in substance in the libel that the article was short weight and was misbranded, in that the statements "Net Weight 8 Ounces" and "Net Weight 15 Oz.," borne on the labels, were false and misleading and deceived and misled the purchaser, and in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 31, 1925, Robert Orr & Co., Nashville, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, 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, conditioned in part that the claimant open each package and add a sufficient quantity of apples to bring the weight up to the declared amount.

W. M. JARDINE, *Secretary of Agriculture.*

14573. Misbranding of olive oil and salad oil. U. S. v. 12 Gallon Cans of Olive Oil, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 20122, 20124, 20167, 20168, 20169, 20170. I. S. Nos. 24363-v, 24364-v, 24365-v, 24367-v to 24372-v, incl. S. Nos. E-5323, E-5332, E-5333, E-5335, E-5340, E-5341.)

On June 18, 20, and 24, 1925, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 40 gallon cans, 35 half-gallon cans, and 17 cases containing various sized cans, of olive oil, and 4 cases containing gallon cans of salad oil, at Newark, N. J., alleging that the articles had been shipped by A. Gash, New York, N. Y., in various consignments during the months of April and May, 1925, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled, variously: "Italian Product Virgin Olive Oil Agash Brand * * * A. Gash Importer & Packer Oneglia Italy. N. Y. U. S. A. Net Contents One Full Gallon" (or "Net Contents One Full Quart" or "Net Contents One Half Gallon") "Olive Oil Agash Brand Italy Net Contents One Half Gallon * * * Contenuto ½ Gallone Netto," "Imported Product Amico Brand Virgin Olive Oil Net Contents One Gallon * * * A. Gash, Importer And Packer," "Extra Quality Oil The Italian Cook Brand 0.98 Of One Gallon Or 7½ Lbs. Net"; "Virgin Olive Oil Agash Italy Net Contents One Full Gallon"; "Extra Quality Oil The Italian Cook Brand Vegetable Salad Oil 0.98 Of One Gallon Or 7½ Lbs. Net."

Misbranding of the articles was alleged for the reason that the statements, "0.98 Of One Gallon Or 7½ Lbs. Net," "Net Contents One Full Gallon," "Net Contents One Gallon," "Net Contents One Half Gallon," "Contenuto ½ Gallone Netto," or "Net Contents One Full Quart," as the case might be, borne on the labels of the respective sized cans, were false and misleading and deceived and misled the purchaser, since the amount stated was not correct. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 24, 1926, Abraham Gash, New York, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$450, conditioned in part that it not be sold or disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

14574. Misbranding of Mecca compound. U. S. v. 15 Packages, et al., of Mecca Compound. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20869, 20870. I. S. Nos. 1236-x, 1237-x. S. Nos. C-4966, C-4967.)

On February 19, 1926, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 8¼ dozen two-ounce packages, 3½ dozen six-ounce packages and 1¼ dozen thirteen-ounce packages of Mecca compound, alleging that the article had been shipped by the Foster-Dack Co., from Chicago, Ill., between the dates of July 18, 1925, and January 29, 1926, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was contained in boxes labeled in part: "Healing * * * for all kinds of Sores and inflammation giving quick relief and aiding nature to make speedy cures * * * For * * * Barber's Itch, Eczema, Erysipelas, Hives, Salt Rheum * * * Blood Poison, boils, diphtheritic Sore Throat, Pneumonia and all kinds of inflammation."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of zinc oxide, petrolatum, and fat, with traces of menthol, thymol, and phenol.

It was alleged in substance in the libels that the article was misbranded, in that the above-quoted statements regarding its curative and therapeutic effects were false and fraudulent, since it contained no ingredient or substance capable of producing the effects claimed.

On June 2, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14575. Misbranding and alleged adulteration of coffee. U. S. v. 25 Cans, et al., of Coffee. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21093, 21098, 21100, 21101. I. S. Nos. 11732-x, 11733-x, 11739-x, 11742-x. S. Nos. C-5151, C-5159, C-5160, C-5163.)

On May 26 and 31, 1926, respectively, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 225 cans of coffee, remaining in the original unbroken packages in various lots at Jacksonville, San Augustine, Joaquin, and Carthage, Tex., respectively, alleging that the article had been shipped by the Cuban Coffee Mills, from Shreveport, La., between the approximate dates of May 4 and May 26, 1926, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was consigned in crates labeled in letters half an inch high, "Coffee & Chicory Blend." The crates were further labeled, "SPB Cuban" together with name of consignee and a statement of weight. The cans were labeled, "Packed by Cuban Coffee Mills, Inc., Shreveport, La."

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