

ing that the article had been shipped by the Odol Corporation, New York, N. Y., and transported from the State of New York into the State of Massachusetts and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol (78 per cent), salol, and water, flavored with volatile oils, including peppermint oil. Bacteriological examination showed that in the dilution mentioned in the directions for use, the article did not destroy common disease-producing bacteria within 5 minutes.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, that is to say, "antiseptic, * * * Europe's leading antiseptic, * * * highly effective, * * * germ-destroying liquid such as Odol."

Misbranding was alleged for the reason that the following statements upon the label were false and misleading: "Antiseptic. For nearly forty years Odol has been Europe's leading antiseptic * * *. It is * * * highly effective * * *. Use Odol * * * especially at night before retiring. While sleeping germs do their most destructive work." Misbranding was alleged for the further reason that the following statements regarding the therapeutic effects of the article, borne on the label, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For the * * * Mouth, Throat, and Breath * * *. The world's famous * * * Healing * * * Mouthwash * * *. It Purifies, * * * prevention of pyorrhea—sore and bleeding gums—sore throat—mouth ulcer—Purifying the Breath * * * for the mouth and throat * * * They do not reach the gums, inner cheeks, tongue, throat, and many other corners, crevices, and cavities, commonly referred to as germ incubators. These parts need a germ-destroying, lasting, soothing liquid such as Odol. Most germs of disease enter the body thru the mouth. Protect and keep it clean with Odol—Health's best safeguard * * *. While sleeping germs do their most destructive work."

On September 26, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16007. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22955. I. S. No. 02404. S. No. 1023.)

On August 3, 1928, 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 a libel praying seizure and condemnation of 1 barrel of frozen poultry, remaining in the original unbroken packages at Boston, Mass., consigned about July 17, 1928, alleging that the article had been shipped by Swift & Co., Shenandoah, Iowa, and transported from the State of Iowa into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 11, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16008. Adulteration of canned spinach. U. S. v. 58 Cases of Canned Spinach. Consent decree of condemnation and destruction. (F. & D. No. 22493. I. S. No. 20892-x. S. No. 519.)

On March 2, 1928, the United States attorney for the District of Connecticut, 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 58 cases of canned spinach, remaining in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the D. E. Foote Co. (Inc.), Baltimore, Md., on or about November 9, 1927, and transported from the State of Maryland into the State of Connecticut and charging adul

teration in violation of the food and drugs act. The article was labeled in part: "Summer Girl Brand Spinach."

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

On July 23, 1928, by consent of the claimant, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16009. Misbranding of butter. U. S. v. 110 Cases of Butter. Decree of condemnation and forfeiture entered. Product released under bond.
(F. & D. No. 23129. I. S. Nos. 0838, 0839, 0840. S. No. 1194.)

On or about September 7, 1928, the United States attorney for the Eastern District of Louisiana, 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 110 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Manning Creamery Co., from Manning, Iowa, on or about August 2, 1928, and transported from the State of Iowa into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article consisted of plain wrapped quarters labeled (shipping carton) "Quarters," and invoiced "25-30# Boxes 1/4# P. W." A portion of the article consisted of plain wrapped solids labeled (shipping carton) "1 Lb. Solids." A portion of the article consisted of quarters labeled (shipping carton) "Quarters," (retail carton) "Pfeifer's Elegant Creamery Butter Quarter Prints One Pound Net Farmers Co-Operative Creamery Co."

It was alleged in the libel that the article was misbranded in that the statement "Quarters," with respect to the plain wrapped quarters, the statement "1 Lb. Solids," with respect to the plain wrapped solids, and the statements "Quarters" and "One Pound Net," with respect to the "Elegant Brand," were false and misleading and deceived and misled the purchaser, and in 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 packages, and in that the quantities stated on the said packages were not correct.

On September 14, 1928, Gerde, Newman & Co., New Orleans, La., having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be repacked, and should not be used or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16010. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 23080. I. S. No. 0218. S. No. 1107.)

On or about August 16, 1928, 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 seizure and condemnation of 8 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Commercial Creamery Co., Baker, Oreg., August 7, 1928, and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On August 29, 1928, the Commercial Creamery Co., Baker, Oreg., claimant, having admitted the allegations of the libel 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 product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be repacked under the supervision of this department, and should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*