

On February 27, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 14, 1914.*

3326. Adulteration of cheese. U. S. v. 115 Boxes of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 222-c.)

On February 16, 1914, the United States attorney for the district of Porto Rico filed in the District Court of the United States for said District a libel for the seizure and condemnation of 115 boxes of American cheese remaining unsold in the original unbroken packages at San Juan, Porto Rico, alleging that the product had been transported from the State of New York into the Island of Porto Rico, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Stow away from boilers. Condado brand cheese. V. M. y C. R. San Juan."

Adulteration of the product was alleged in the libel for the reason that the cheese consisted in whole or in part of filthy, decomposed, and putrid animal and vegetable substance, rendering said cheese unfit for human consumption.

On March 6, 1914, no claimant having appeared for the property, and testimony having been introduced by the United States to sustain the allegations of the libel, judgment of condemnation and forfeiture was rendered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 14, 1914.*

3327. Adulteration and misbranding of peanut oil. U. S. v. 4,400 Cans, 5,500 Cans, and 4,652 Cans of Peanut Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 223-c, 224-c, 225-c.)

On February 16, 1914, the United States attorney for the District of Porto Rico, filed in the District Court of the United States for said district libels for the seizure and condemnation of 4,400 cans, 5,500 cans, and 4,652 cans of peanut oil, remaining unsold in the original unbroken packages at Mayaguez and San Juan, Porto Rico, alleging that the product had been transported from Genoa, Italy, into Porto Rico, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 4,400 cans were labeled: "Peanut Oil Manufactured by Pio Moro fu Tomaso, Genoa, Italy. Imported by M. Grau e Hijos, Mayaguez, P. R." The 5,500 cans were labeled: "Peanut Oil Manufactured by Pio Moro fu Tomaso, Genoa, Italy. Imported by F. Carrera & Ho. Mayaguez, P. R." The 4,652 cans were labeled: "Aceite Mani."

Adulteration of the product was alleged in the libels for the reason that a substance known as nitrobenzine had been mixed and packed with said peanut oil so as to reduce and lower and injuriously affect its quality and strength, in this respect, among others, namely, in that by the treatment aforesaid the said peanut oil had been caused to contain added poisonous or other added deleterious ingredients, to wit, nitrobenzine, which might render said peanut oil injurious to health; and further in that by the treatment aforesaid nitrobenzine had been substituted wholly or in part for said peanut oil; and further in that by the treatment aforesaid a substance had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; and further for the reason that the peanut oil treated by the process as aforesaid was of a grade inferior to pure peanut oil and thereby adulterated in that

said inferiority of said peanut oil was concealed. Misbranding was alleged in the libels for the reason that the product was labeled variously as aforesaid, and that, in truth and in fact, peanut oil is known and recognized to be the oil of the peanut and consists only of the pure oil of the peanut, while the peanut oil contained in the cans aforesaid was not pure peanut oil, but was a grade of oil inferior to pure peanut, being a mixture of pure peanut oil together with nitrobenzine, and that this mixture was labeled as aforesaid so as to deceive and mislead the purchaser or purchasers thereof in that the labels on said cans represented and purported the contents thereof to be pure peanut oil, whereas, in truth and in fact, said peanut oil was not a pure peanut oil but contained an added ingredient deleterious and detrimental to health, to wit, nitrobenzine, and thereby the labels on said cans were false and misleading in this particular. Misbranding was alleged for the further reason that the cans containing the peanut oil were labeled variously as aforesaid and the peanut oil in said cans was not a pure peanut oil, but, in truth and in fact, the said cans purported to contain pure peanut oil and the statements on said cans were so arranged as to cause the purchaser or purchasers thereof to believe that the said cans contained pure peanut oil, and the peanut oil contained in said cans was not a pure peanut oil but was of a grade and quality of peanut oil inferior to pure peanut oil, being a mixture of peanut oil and nitrobenzine, and that this mixture labeled as aforesaid was sold under the distinctive name of another article than itself, to wit, peanut oil, and was labeled as aforesaid so as to deceive and mislead the purchaser in the respect that it purported to be a pure peanut oil, whereas, in truth and in fact, it was not a pure peanut oil, but contained an added ingredient deleterious and detrimental to health, to wit, nitrobenzine, and therefore was sold under the distinctive name of another article than itself, and misbranded within the intent and meaning of the act of Congress.

On March 6, 1914, no claimant having appeared for the property, and testimony having been introduced by the United States to sustain the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 14, 1914.*

3328. Misbranding of Paxton's brand sweet oil, Paxton's brand strawberry flavor, Paxton's brand raspberry flavor, Paxton's brand pineapple flavor, Polk's extract pineapple, Polk's extract raspberry, and Fassett's lemon flavor; and adulteration of Paxton's brand orange flavor, Paxton's brand lemon flavor, Stuart's brand lemon flavor, Andrews' brand lemon flavor, and Trojan seal lemon flavor. U. S. v. Polk & Calder Drug Company. Plea of guilty. Fine, \$50. (F. & D. No. 2034. I. S. Nos. 1051-c, 1052-c, 1053-c, 1054-c, 1055-c, 1057-c, 1062-c, 1063-c, 1066-c, 1072-c, 1073-c, 1075-c.)

On April 2, 1912, the United States attorney for the Northern 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 the Polk & Calder Drug Co., a corporation, Troy, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 8, 1910, from the State of New York into the State of Massachusetts:

(1) Of 7 different articles of food which were misbranded. These products were marked for purposes of identification and were labeled as follows: