

not contain any of the ingredients or combination of ingredients capable of producing the effect claimed.

On October 15, 1919, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

8560. Misbranding of Gillen's Cholera Remedy. U. S. * * * v. 8 Cases of Gillen's Cholera Remedy. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11090. I. S. No. 9417-r. S. No. C-1418.)

On August 15, 1919, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases (6 containing 12 quart bottles each, 2 containing 24 pint bottles each) of Gillen's Cholera Remedy, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Gillen Remedy Co., Atlanta, Ga., on or about March 5, 1919, and transported from the State of Georgia into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Gillen's Hog Remedy for hogs and chickens * * * for hogs when afflicted with cholera * * * as a preventative for cholera and to remove worms and as a general tonic. * * * for fowls when afflicted with cholera, sorehead and roup, and white diarrhoea in little chicks * * * preventative for cholera, sorehead and roup * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of saponified tar oil and sodium sulphate.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the Food and Drugs Act, as amended, for the reason that the preceding statements, regarding the curative and therapeutic effects thereof, were false and fraudulent.

On September 22, 1920, the United Stock Remedies Co., Atlanta, Ga., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the goods be relabeled according to law.

E. D. BALL, *Acting Secretary of Agriculture.*

8561. Misbranding of olive oil. U. S. * * * v. 15 Gallon Cans, 42 Half-gallon Cans, and 88 Quart Cans of Olive Oil. Judgment of dismissal. Product released on bond. (F. & D. No. 11141. I. S. No. 2965-r. S. No. W-476.)

On August 30, 1919, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 gallon cans, 42 half-gallon cans, and 88 quart cans of olive oil, remaining unsold in the original unbroken packages at Albuquerque, N. M., consigned by A. Giurlani & Bros., San Francisco, Calif., alleging that the article had been shipped on July 5, 1919, and transported from the State of California into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the cans containing the article bore certain state-

ments, to wit, "Olive oil superfine Gaetano Giurlani Brand. Medaglie D'Oro Esposizioni Internaz Milano Torino. Gold Medal Awarded to Gaetano Giurlani, Lucca, Italy. Olio Soprafino Puro D'Oliva. Garantito Soto Qualunque," which said statements, regarding the contents of said cans, were false and misleading and deceived and misled the purchaser into believing that the contents of said cans were pure Italian olive oil of the Gaetano Giurlani brand, which is a pure Italian olive oil, whereas, in truth and in fact, the contents of the said cans were not pure Italian olive oil of the Gaetano Giurlani brand, but were, in fact, Spanish olive oil.

On November 25, 1919, A. Giurlani & Bros., San Francisco, Calif., having entered an appearance as claimant of the goods and petitioned the court for a dismissal of the cause, and having paid the costs of the proceedings and executed bond in the sum of \$221.18, in conformity with section 10 of the act, it was ordered by the court that the libel be dismissed and that the goods be delivered to said claimant after they had been relabeled.

E. D. BALL, *Acting Secretary of Agriculture.*

8562. Misbranding of olive oil. U. S. * * * v. 11 Cases of Gallon Cans, 8 Cases of One-half Gallon Cans, and 5 Cases of Quart Cans of Olive Oil. Judgment of dismissal. (F. & D. No. 11174. I. S. No. 2966-r. S. No. W-485.)

On September 16, 1919, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 cases of gallon cans, 8 cases of one-half gallon cans, and 5 cases of quart cans of olive oil, consigned by R. Gerber & Co., Chicago, Ill., remaining unsold in the original unbroken packages at Albuquerque, N. M., alleging that the article had been shipped on or about April 30, May 3, July 13, July 21, and July 25, 1917, and February 11, 1918, and transported from the State of Illinois into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Otimo Brand Virgin Olive Oil Importato Puro Olio D'Oliva Packed for R. Gerber and Co., Chicago, Ill.," and "One gallon net contents," "One-half gallon net contents," or "Net one full quart."

It was alleged, in substance, in the libel that the said cans, being labeled as above set forth, with regard to the contents thereof, were misbranded in that they contained food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that they did not contain the amount of oil as set forth on the labels respectively upon the said cans.

On November 4, 1919, R. Gerber & Co., Chicago, Ill., having entered an appearance as claimant of the goods and petitioned the court for a dismissal of the cause, and having paid the costs of the proceedings and executed bond in the sum of \$500, in conformity with section 10 of the act, it was ordered by the court that the libel be dismissed, and that the goods be delivered to said claimant after they had been relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

8563. Misbranding of Prickly Ash, Poke Root, and Stillingia Compound with Iodides. U. S. * * * v. 140 Bottles of Prickly Ash, Poke Root, and Stillingia Compound with Iodides. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11239. I. S. No. 2967-r. S. No. W-487.)

On or about September 16, 1919, the United States attorney for the western District of Washington, acting upon a report by the Secretary of Agriculture,