10224. Misbranding of olive oil. U. S. * * * v. 5 Cans * * * of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15017. Inv. No. 35354. S. No. E-3407.)

On July 2, 1921, 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 for the seizure and condemnation of 5 cans of olive oil, remaining unsold at Lawrence, Mass., alleging that the article had been shipped by the Italy Commercial Co., New York, N. Y., on or about May 21, 1921, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Net Contents 5 Gallons Spanish Virgin Olive Oil * * *."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents 5 Gallons," borne on the cans containing the said article, regarding the quantity of the article contained in the said cans, was false and misleading, since none of the said cans contained 5 gallons net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained 5 gallons net of the said article, whereas, in truth and in fact, the said cans did not contain 5 gallons net of the article, but contained a less quantity. Misbranding was alleged for the further reason 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 package, since the quantity stated thereon was greater than the actual contents of the said package.

On November 14, 1921, 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 sold by the United States marshal in packages properly branded to show the correct measure of the contents thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10225. Misbranding of Bristol's sarsaparilla compound and Kemp's Anacahuita pectoral compound. U. S. * * * v. 8 Dozen Bottles of * * * Bristol's Sarsaparilla Compound, et al. Decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 14973, 14978, 15029, 15032. I. S. Nos. 10704-t, 10705-t, 10706-t, 10707-t, 10709-t. S. Nos. W-963, W-965, W-970, W-971, W-972.)

On June 2, 3, and 7, 1921, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 9½ dozen bottles of Bristol's sarsaparilla compound and 38 dozen bottles of Kemp's Anacahuita pectoral compound, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Lanman & Kemp, Inc., New York, N. Y., alleging that the articles had been shipped from New York, N. Y., between the dates of April 14, 1920, and May 5, 1921, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the Anacahuita pectoral compound was labeled in part: (Wrapper, English, Spanish, and French; bottle label, English and Spanish) "* * * highly esteemed for its efficacy in Coughs, Throat and Bronchial Affections * * *"; (circular, Spanish) "* * * Highly appreciated * * * for the good effects * * * in catarrhs of the chest, coughs, and bronchial affections. It can be recommended with confidence as a means of arresting these diseases, especially in the incipient period. * * * Pulmonary consumption, phthisis, tuberculosis * * * from the very moment that the cough first appears, take Kemp's Pectoral Anacahuita Compound * * * Catarrh * * * epidemic catarrh or influenza * * * The use of Kemp's Anacahuita Pectoral Compound * * * bronchitis * * * is recommended * * * in chronic bronchitis of old persons or those addicted to intemperance when accompanied by a cough and habitual irritation, copious expectoration, loss of strength, purulent sputa, cough more severe at night and hectic night sweats * * * as a comforting and calming alleviator * * * Whooping cough or convulsive cough, in this disease which is so common in childhood. The continual use of Kemp's Anacahuita Pectoral Compound will have a beneficial tendency to reduce the violence of the cough * * * asthma * * * Take Kemp's Anacahuita Compound * * * Pleurisy * * * The free use of Kemp's Anacahuita Pectoral Compound * * * Croup. This disease is marked by the inflammation of the upper part of the throat or in a form known as membraneous croup by the growth

of a false membrane which obstructs the passage threatening the suffocation of the patient * * * produces a soothing effect. Difficult respiration, all catarrhs of the chest or general bronchial affections present this distressing symptom—relieve the trouble by removing the cause. Try Kemp's Anacahuita Pectoral Compound"; (bottle label) "Alcohol by volume 34%." The remainder of the Anacahuita pectoral compound was labeled in part: (Wrapper and bottle label as above quoted) (circular, Spanish) "Pectoral De Anacahuita * * * for affections of the chest * * * phthisis * * * It may be stated with all confidence that with the use of this valuable remedy very satisfactory results have been obtained in cases of persons seriously threatened * * * Pulmonary consumption, tuberculosis, phthisis * * * catarrh * * * epidemic catarrh or influenza * * * bronchitis * * * for the chronic bronchitis of old persons * * * when accompanied by coughs and habitual irritation, copious expectoration, loss of strength, purulent sputum, cough more violent by night and hectic and nocturnal sweats. The Pectoral De Anacahuita is invaluable, whooping cough or convulsive cough * * * Asthma * * * Pleurisy, membraneous croup or croup. This disease is distinguished by inflammation of the upper part of the throat with deposit of a false membrane which completely obstructs the passage so that the patient is suffocated—may be prevented when the first symptoms appear by administering an emetic and taking freely a remedy like Pectoral De Anacahuita. For hectic fever which is usually accompanied by bronchial and pulmonary affections * * * Difficult respiration, all pulmonary diseases or those that affect the lungs are influenced by this remedy. It nips the disease in the bud and removes the cause." The Bristol's sarsaparilla compound was labeled in part: (Blue label on wrapper) "* * * For Impure Conditions Of The Blood, Supposed To Be Induced By Syphilitic Taint * * * And Marked By Rheumatic or Neuralgic Manifestations, Skin Eruptions, Nervous and General Debility of the System, Loss of Appetite, Languor, Dizziness, and Inactive Liver, which often precede Bilious And Other Fevers And Jaundice * * *"; (bottle label, English and Spanish) "* * * Ulcers or Running Sores, * * * Soreness of the Throat * * *."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the pectoral compound consisted essentially of small amounts of vegetable extractives, magnesium, and ammonium salts, approximately 25 per cent of sugars, 25 per cent of alcohol, and water; and that the sarsaparilla compound consisted essentially of ⅓ per cent of potassium iodid, small amounts of extractives of vegetable drugs, including a laxative drug, traces of volatile oils, 15 per cent of sugar, 11 per cent of alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the labels of the bottles containing the said articles and the accompanying circulars and wrappers bore the above-quoted statements, which were false and fraudulent in that the said articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed.

On August 26 and September 10, 1921, respectively, Lanman & Kemp, Inc., New York, N. Y., having entered an appearance as claimant for the property, judgments of condemnation and forfeiture were 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 good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the said articles be relabeled in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10226. Adulteration of chocolate coating. U. S. * * * v. 75 Cases * * * and 5 Cases * * * of Chocolate Coating. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15118. I. S. Nos. 10928–t, 10929–t. S. No. W–993.)

On July 7, 1921, the United States attorney for the District of Oregon, 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 75 cases and 5 cases of chocolate coating, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the D. Ghirardelli Co., San Francisco, Calif., June 11, 1921, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part, "W. H. Miner's Sweet Chocolate Coating, San Francisco * * * Udipit."