

said article. Adulteration was alleged for the further reason that the said ground bran, ground corn products, and flour had been mixed with the said article in a manner whereby inferiority was produced [concealed].

Misbranding was alleged in substance for the reason that the article was an adulteration [imitation] of, and was offered for sale under the distinctive name of, another article, so as to deceive and mislead the purchaser, and for the further reason that it was branded as above set forth so as to represent falsely, and to create in the minds of purchasers thereof the impression and belief, that the said article was composed of ingredients as set out in the said label, when, in truth and in fact, it was not.

On January 20, 1922, the General Commission Co., Kansas City, Mo., claimant, having conceded the allegations of the libels and having tendered good and sufficient bonds, in conformity with section 10 of the act, judgments of the court were entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and that it be not sold until it should be relabeled as "Mixed Feed, Ingredients: Bran, Corn Meal, Low Grade Flour and Screenings."

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

10240. Misbranding of canned clams. U. S. * * * v. 31 Cases of Canned Clams. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15159. I. S. No. 5465-t. S. No. E-3596.)

On October 4, 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 31 cases of canned clams, remaining unsold in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by the Sargentville Packing Co., Sargentville, Me., on or about April 2, 1921, and transported from the State of Maine into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Jack Rose Brand Clams * * * Contents 8 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Contents 8 Oz.," borne and labeled upon the cans containing the article, was false and misleading in that the said statement represented that the said cans each contained 8 ounces net of the said article, whereas, in truth and in fact, said cans did not each contain 8 ounces net of the said article but did contain 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 stated quantity, to wit, "Contents 8 Oz.," was incorrect and represented more than the actual contents of the said cans.

On December 21, 1921, the E. T. Smith Co., Worcester, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation 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.

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

10241. Adulteration of chocolate coating. U. S. * * * v. 10 Cases * * * of Chocolate Coating, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15239, 15240, 15325. I. S. Nos. 10602-t, 10942-t, 10944-t, 10945-t. S. Nos. W-1007, W-996, W-997.)

On or about July 26 and September 1, 1921, respectively, the United States attorney for the District of Oregon, 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 24 cases of Riesener's chocolate coating, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Riesener Chocolate Co., San Francisco, Calif., on or about July 2 and 26, 1921, respectively, 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: (Case) "Plain Sweet Sphinx 100 lbs. Riesener's Chocolate Coating * * * Riesener Chocolate Co. * * *" The remainder of the article was labeled in part: (Case) "100 Lbs. Riesener's Master Chocolate Coating * * *"

Adulteration of the article was alleged in the libels for the reason that coca [cocoa] shells had been mixed and packed with, and substituted wholly or in part for, chocolate and chocolate coating.

On September 2 and 3, 1921, respectively, the Riesener Chocolate Co., San Francisco, Calif., claimant, having consented to decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act.

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

10242. Misbranding of olive oil. U. S. * * * v. 48 Gallon Cans of * * * Olive Oil, et al. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 15334, 15345. I. S. Nos. 5486-t, 5092-t, 5093-t, 5094-t. S. Nos. E-3519, E-3536.)

On July 29 and August 5, 1921, respectively, the United States attorney for the District of Massachusetts, 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 48 gallon cans, 15 half-gallon cans, 24 quarter-gallon cans, and 32 eighth-gallon cans of olive oil, consigned May 3 and May 20, 1921, respectively, remaining in the original unbroken packages at Lawrence and Fall River, Mass., respectively, alleging that the article had been shipped by the Alpha Importing Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Marconi Brand Finest Pure Olive Oil * * * One Full Gallon," "Half Full Gallon," "Quarter Full Gallon" or "Eighth Full Gallon."

Misbranding of the article was alleged in the libels for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged with respect to the shipment of May 20 for the further reason that the package or label bore a statement, design, or device regarding the article or the ingredients or substances contained therein, which was false and misleading and deceived and misled the purchaser.

On January 27, 1922, 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 sold by the United States marshal.

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

10243. Misbranding of Castleberry's sexual pills and Fackler's compound extract of damiana. U. S. * * * v. 10 Dozen Boxes of Castleberry's Sexual Pills and 5 Dozen Bottles of Fackler's Compound Extract of Damiana. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15356. I. S. Nos. 9178-t, 9179-t. S. Nos. E-3567, E-3568.)

On September 2, 1921, the United States attorney for the Northern District of Georgia, 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 10 dozen boxes of Castleberry's sexual pills and 5 dozen bottles of Fackler's compound extract of damiana, at Columbus, Ga., alleging that the articles had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about June 21 and 24, 1921, respectively, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Castleberry's sexual pills contained an iron compound, extracts of cantharides and nux vomica, calcium carbonate, and sugar; and that the Fackler's compound extract of damiana contained extracts of plant drugs, including nux vomica, damiana, and saw palmetto, extract of cantharides, sugar, alcohol, and water.

Misbranding of the articles was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects thereof, appearing in the labeling of the respective articles, to wit, (Castleberry's pills) (carton and circular) "* * * Sexual Pills * * * For Hysteria, Dizziness, Nervous Prostration, Nervous Debility and General Weakness * * *," (Fackler's compound extract of damiana) (bottle) "* * * A Tonic for Both Sex * * *" (carton) "* * * A Liquid