

Misbranding was alleged in substance for the reason that the cartons containing the article bore the statement on the label thereof, "Lemon Flavor Pie Filling," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On May 22, 1922, the Jewel Tea Co., Inc., having entered an appearance as claimant for the property, judgment was entered finding the product to be misbranded but not adulterated, and it was ordered by the court that the said product be released to the said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department, and that the case be dismissed at the costs of the claimant.

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

**10489. Adulteration and misbranding of canned red kidney beans. U. S. \* \* \* v. 40 Cases \* \* \* of Red Kidney Beans \* \* \*. Consent decree providing for release of the product under bond. (F. & D. No. 12163. I. S. No. 8558-r. S. No. C-1724.)**

On February 16, 1920, the United States attorney for the Eastern District of Illinois, 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 40 cases of red kidney beans, remaining unsold in the original unbroken packages at Champaign, Ill., consigned by the Central States Canning Co., Indianapolis, Ind., alleging that the article had been shipped on or about November 23, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Central States Brand Red Kidney Beans \* \* \* Central States Canning Co., Indianapolis, Ind. \* \* \*"

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged for the reason that the statement on the cases and cans containing the article, "Red Kidney Beans," together with the design of a dish containing large red beans, was false and misleading and deceived and misled the purchaser, since long cranberry beans had been mixed and packed with, and substituted wholly or in part for, red kidney beans. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On August 30, 1921, the Central States Canning Co., Indianapolis, Ind., claimant, having admitted the allegations of the libel, having consented to a decree, and having expressed a willingness to eliminate the words "Red Kidney" and label the product "Naga Uzura Beans," judgment of the court was entered finding that the product had been unlawfully shipped in interstate commerce and that it was improperly and unlawfully labeled, and it was ordered by the court that the product be released to the 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 words "Red Kidney" be not used on the labels of the said product.

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

**10490. Misbranding of Abbott Bros. compound for rheumatism. U. S. \* \* \* v. 2½ Dozen Bottles of Abbott Bros. Compound for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16318. Inv. No. 39380. S. No. E-3867.)**

On or about May 16, 1922, the United States attorney for the Eastern District of Pennsylvania, 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 2½ dozen bottles of Abbott Bros. compound for rheumatism, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Abbott Bros. Co., Berwyn, Ill., alleging that the article had been shipped from Berwyn, Ill., on or about April 26, 1920, and transported from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium and sodium iodids, extracts of vegetable drugs including colchicum, alcohol, and water, flavored with essential oils including methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the labels and accompanying circular contained the following statements, designs, and devices regarding the curative or therapeutic effects of the said article, (bottle label) "\* \* \* For Rheumatism \* \* \*," (carton label) "\* \* \* For Rheumatism \* \* \* Muscular, Articular, Inflammatory, \* \* \* Sciatica, Rheumatic Neuritis, and Stiffness and Soreness of the Joints and Muscles, \* \* \* Lumbago and all Muscular and Nerve Pains of Rheumatic Origin \* \* \*," (circular) "\* \* \* For Rheumatism \* \* \* treatment for the various forms of rheumatism. \* \* \* successful treatment of Rheumatic Diseases \* \* \*," which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On June 5, 1922, 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.

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

**10491. Adulteration of oranges. U. S. \* \* \* v. 463 Cases \* \* \* of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16096. I. S. No. 3921-t. S. No. C-3478.)**

On March 6, 1922, the United States attorney for the Western District of Oklahoma, 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 463 cases of oranges, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped by the California Fruit Growers Exchange, from Highland, Calif., on or about February 24, 1922, and transported from the State of California into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "Grove Brand, Washington Navels, Packed by Highland Fruit Growers Association, Highland \* \* \* California"; and "Cactus Brand Washington Navels, Packed by Highland Fruit Growers Association \* \* \*"

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 10, 1922, the California Fruit Growers Exchange, claimant, having admitted the allegations of the libel and having consented to the entry of a decree for the condemnation and forfeiture of the property, judgment of the court was entered finding the product adulterated and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the car containing the product be reconsigned to New York, N. Y., and salvaged under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant without condition.

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

**10492. Misbranding of olive oil. U. S. \* \* \* v. 100 Gallon Cans, 40 Half-Gallon Cans, and 80 Quart Cans \* \* \* of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15919. I. S. Nos. 3591-t, 3592-t, 3593-t. S. No. C-3400.)**

On January 13, 1922, the United States attorney for the District of Minnesota, 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 100 gallon cans, 40 half-gallon cans, and 80 quart cans of olive oil, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Nasiacos Importing Co., Chicago, Ill., December 10, 1921, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Athlete Brand Pure Olive