

Misbranding was alleged for the reason that the statements, to wit, "Pure Olive Oil" and "Net Contents  $\frac{1}{4}$  Gal.," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, and that the net contents of said cans was  $\frac{1}{4}$  gallon each, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, and that the net contents of said cans was  $\frac{1}{4}$  gallon each, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and the net contents of each of said cans was not  $\frac{1}{4}$  gallon, but was a less amount, and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of pure olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, pure olive oil. Misbranding of the article was alleged for the further 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.

On April 23, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

**7592. Misbranding of Aunt Patsy's Poultry Feed. U. S. \* \* \* v. James P. Gentry (Aunt Patsy Poultry Feed Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 10591. I. S. No. 11678-r.)**

On January 28, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James P. Gentry, trading as the Aunt Patsy Poultry Feed Co., Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 17, 1918, from the State of Tennessee into the State of Texas, of a quantity of an article, labeled in part "Aunt Patsy's Poultry Feed with Oyster Shell," which was misbranded.

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed the following results:

	Per cent.
Moisture .....	8.22
Ether extract.....	3.29
Crude fiber .....	15.88
Nitrogen .....	2.73
Ammonia .....	3.31
Protein .....	17.1
Oyster shells .....	10.1

No evidence of the presence of meat scraps was found.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Fat Not Less than 3.50 per cent," "Crude Fiber Not More Than 11.00 per cent," "7% Meat Scraps," and "2% Oyster Shells," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 3.50 per cent of fat, not less than 7 per cent of meat scraps, not more than 11 per cent of crude fiber, and not more than 2 per cent of oyster shells, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 3.50 per cent of fat, not less than 7 per cent of meat scraps, not more than 11 per cent

of crude fiber, and not more than 2 per cent of oyster shells, whereas, in truth and in fact, it contained less than 3.50 per cent of fat and less than 7 per cent of meat scraps, and contained more than 11 per cent of fiber and more than 2 per cent of oyster shells.

On February 19, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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

**7593. Misbranding of Neovita and Pektomel. U. S. \* \* \* v. Ignatz J. Rigelhaupt (Lazarus Medicine Co.). Plea of guilty. Fine, \$200 and costs. (F. & D. No. 9241. I. S. Nos. 2325-p, 2952-p.)**

On January 27, 1919, 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 an information against Ignatz J. Rigelhaupt, trading as the Lazarus Medicine Co., Philadelphia, Pa., alleging the sale by said defendant, on or about August 24, 1917, and December 17, 1917, respectively, in violation of the Food and Drugs Act, as amended, under a guaranty that the articles were not adulterated or misbranded within the meaning of the said act, of quantities of articles, labeled in part "Neovita" and "Pektomel," which were misbranded articles within the meaning of the said act, and which said articles in the identical condition in which they were received, were shipped by the purchasers thereof, on or about August 24, 1917, and December 18, 1917, respectively, from the State of Pennsylvania into the State of New Jersey, in further violation of the said act.

Analysis of a sample of the Neovita made in the Bureau of Chemistry of this department showed that it consisted essentially of the bromids, chlorids and valerates of ammonium, sodium, and strontium, iron, sugars, water, and 6.4 per cent by volume of alcohol. The valeric acid was apparently derived from valerian, and the iron appeared to be in an organic combination. Analysis of a sample of the Pektomel showed that it consisted essentially of ammonium chlorid, extracts of glycyrrhiza (licorice) and ipecac, sugars, a fixed oil, volatile oil of anise, water, and 4.73 per cent by volume of alcohol.

It was alleged in substance in the information that the Neovita was misbranded for the reason that certain statements, appearing on the labels of the bottles and wrappers, falsely and fraudulently represented it to be effective as a restorative for disturbed and shattered nerves, as a tonic, and as a treatment, remedy, and cure for neuralgia, exhaustion, and loss of energy, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements, included in the circular accompanying the article, falsely and fraudulently represented it to be effective as an elixir of life, and as a treatment, remedy, and cure for despondency, sexual weakness, dizziness, backache, cramps, nervousness, and palpitation of the heart, to prevent serious illness, to secure sound, strong nerves, lasting health, new life, and perfect happiness, as a powerful nerve tonic giving strength, renewed energy, and vigor to men and women, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that it contained alcohol, and the label failed to bear a plain and conspicuous statement of the quantity or proportion of alcohol contained therein.

It was alleged in substance that the Pektomel was misbranded for the reason that certain statements, appearing on the labels of the bottles and wrappers, falsely and fraudulently represented it as a remedy, treatment, and cure for lung, throat, chest, and bronchial troubles, when, in truth and in fact, it was