

State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a laxative plant drug, pepsin, sugar, alcohol, and water. No diastase, pancreatin, or hydrochloric acid was present.

Adulteration of the article was alleged in the libel in that the strength of the article fell below the professed standard or quality under which it was sold in that the product contained no diastase, pancreatin, nor hydrochloric acid.

Misbranding of the article was alleged in the libel in that the statement on the label on the bottle containing the article, "Pepso-Laxatone is a solution of pepsin, diastase, pancreatin," was false and misleading since the product contained no diastase nor pancreatin. The article was further misbranded in that the statement on the label on the bottle containing the article, to wit, "An efficient combination of agents for the permanent relief of \* \* \* Gastric Disorders and Indigestion," was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the results claimed for it by the above statement.

On February 9, 1920, no claimant having appeared for the product, 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.*

**7771. Misbranding of Rogers' Liverwort, Tar, and Canchalagua. U. S. \* \* \* v. 10 Bottles of Rogers' Liverwort, Tar, and Canchalagua. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11849. I. S. No. 8539-r. S. No. C-1659.)**

On December 26, 1919, the United States attorney for the Western District of Michigan, 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 bottles of Rogers' Liverwort, Tar, and Canchalagua, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped March 27, 1919, by the Williams Mfg. Co., Cleveland, Ohio, and transported from the State of Ohio into the State of Michigan, 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 of a sweetened aqueous solution containing small amounts of plant extractives, tar extractives, salicylates, alcohol, and glycerin.

Misbranding of the article was alleged in the libel in that statements on the packages inclosing and on the labels on the bottles containing the article regarding the curative and therapeutic effects of the article and the ingredients and substances contained in the article, to wit, "For \* \* \* relief of \* \* \* Asthma, Bronchitis, Raising Blood and all other Lung Complaints tending to Consumption. \* \* \* designed especially for the permanent relief of those Affections of the Throat, Lungs, and Liver which, if neglected, usually terminate in Consumption \* \* \* continuous exhausting coughing \* \* \* 'my friends were of the opinion that I was a sure victim of galloping consumption. \* \* \*' '\* \* \* suffered \* \* \* for \* \* \* years with Chest and Lung troubles, and hemorrhages \* \* \* hemorrhages ceased, \* \* \* medicine infused new life \* \* \*' \* \* \* coughs of long standing \* \* \* For Consumption, Bronchitis, \* \* \* Spitting Blood, Asthma, Whooping Cough, pains in the side and breast and for diseases of the Lungs

generally. For Consumption. \* \* \* for the relief of \* \* \* Influenza, Asthma, Bronchitis, Spitting of Blood and all other Lung Complaints tending to Consumption. \* \* \* for \* \* \* permanent relief of those Affections of the Throat, Lungs, and Liver which, if neglected, usually terminate in Consumption," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed for the article in said statements. Said article was further misbranded in that the article was a sirup containing a small amount of tar and plant extractions, glycerin, alcohol, and salicylate, which had no such curative and therapeutic effects as claimed in the statements for the article.

On January 16, 1920, 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.*

**7772. Adulteration and misbranding of table oil. U. S. \* \* \* v. Anthony J. Musco. Plea of guilty. Fine, \$25. (F. & D. No. 11796. I. S. No. 15095-r.)**

On February 20, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Anthony J. Musco, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 20, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Finest Quality Table Oil Insuperabile \* \* \* Termini Imerese Type," which was adulterated and misbranded.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the product to be largely cottonseed oil and each can to contain less than 1 quart.

Adulteration of the article was alleged in the information in that a substance, to wit, cottonseed oil, had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged in the information in that the statements, to wit, "Finest Quality Table Oil Insuperabile Termini Imerese," and "Net Contents One Quart," together with the design and device of natives gathering olives from an olive tree, borne on the cans containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was olive oil, that said article was an olive oil produced in the kingdom of Italy, and that each can contained 1 quart net of the article, whereas, in truth and in fact, the article was not olive oil, but was a mixture composed in large part of cottonseed oil, and the article was not an olive oil produced in the kingdom of Italy, but had been produced in the United States of America, and each can did not contain 1 quart net of the article, but contained a less amount; further misbranding was alleged in that the statements, designs, and devices on the can, as mentioned above, were employed to deceive and mislead the purchaser into the belief that the article was olive oil, and that it was an olive oil produced in the kingdom of Italy, and that each can contained 1 quart net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in large part of cottonseed oil; it was not an olive oil produced in the kingdom of Italy, but was produced in the United States of America, and each of the cans contained less than 1 quart net of the article. The article was further misbranded in that the statements, designs, and devices above mentioned purported the article to be a foreign product, when it was not. Mis-