

and condemnation of 36 boxes, each containing 100 capsules of santal oil, remaining unsold in the original unbroken packages at Cleveland, O., alleging that the article had been shipped on or about October 31, 1918, by the Evans Drug Mfg. Co., Greensburg, Pa., and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "100 Soluble Elastic Capsules, Guaranteed Weatherproof and Noncollapsible, Santal Oil East India 10 Min., Each capsule contains sandalwood oil 10 Min., East India Evans Drug Mfg. Co., Incorporated, Soft Capsules, Greensburg, Pa., 100 E. I. Santal Oil 10 Min."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the average net contents of the capsules was 7.6 minims, and that 70 per cent of the contents consisted of nonvolatile oil, chiefly cottonseed oil.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation, and in that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the article was alleged for the reason that the labeling borne on the boxes, to wit, "Capsules \* \* \* Santal Oil East India 10 Min.," was false and misleading in that it indicated that the contents of said boxes was santal oil, whereas the article contained 70 per cent cottonseed oil, and showed an average shortage of 2.4 minims. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the name of, another article.

On June 30, 1919, the said Evans Drug Mfg. Co., having filed its answer to the libel, admitting the truth of the allegations contained therein, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7089. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 82 1-Gallon Cans of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9683. I. S. No. 12364-r. S. No. C-1051.)**

On February 6, 1919, the United States attorney for the Northern District of Ohio, 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 82 1-gallon cans of alleged olive oil, remaining in the original unbroken packages at Cleveland, O., alleging that the article had been shipped on or about November 14, 1918, by Thompson Porcard, New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The cans containing the article were labeled, "1 Gallon Net Qualita Superiore (map of Italy and picture of Italian Queen holding Italian flag) Olio Tripolitania Puro Garantito Sotto Qualsiasi Analisi Chimica Garantito Sotto La Legge Del 30 Giugno, 1906." The reverse side of the cans bore the same label with paper sticker which read, "Family Oil Composto con Olii Puri ai sensi della Legge. Il solo che incontra il gusto delle famiglie Italia ne perché confiene anche Olio D'Oliva T. Porcaro," the English translation of which is, "Composed of Pure

Oils in the meaning of the Law. The only one that meets the taste of the Italian families because it contains also Olive Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith and substituted wholly or in part for olive oil.

Misbranding of the article was alleged in substance for the reason that the aforesaid statements, borne on the labels of the cans, together with the pictorial design, were false and misleading, and deceived and misled the purchaser in that such statements indicated that the cans contained olive oil, when, in truth and in fact, cottonseed oil had been substituted in part for the article. Misbranding of the article was alleged for the further reason that it purported to be a foreign product, when not so, and in being labeled "One Gallon Net," whereas examination showed an average shortage of 2.7 per cent, and for the further reason that the quantity of the contents was not declared.

On May 24, 1919, Thomas Porcaro, alias Thompson Porcard, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7090. Adulteration and misbranding of Perfecto Horse and Mule Feed. U. S. \* \* \* v. 200 Sacks \* \* \* of Perfecto Horse and Mule Feed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9684. I. S. No. 17635-r. S. No. E-1234.)**

On February 8, 1919, 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 200 sacks, each containing 100 pounds of Perfecto Horse and Mule Feed, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about December 28, 1918, by the Milam-Morgan Co., Ltd., New Orleans, La., and transported from the State of Louisiana into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Perfecto Horse and Mule Feed \* \* \* Guaranteed Analysis \* \* \* Protein—9.00 per cent \* \* \* made from Corn, Oats, Alfalfa, Rice Bran, Brewer's Grain, Cane Molasses, and Salt."

Adulteration of the article was alleged in the libel for the reason that a substance and substances, to wit, cottonseed hulls, peanut hulls, rice hulls, and oat hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for brewer's grain, which the article purported to contain.

Misbranding of the article was alleged in substance for the reason that the label bore the statement, "Protein 9.00 per cent \* \* \* Brewer's Grain," which was false and misleading and deceived and misled the purchaser and created in his mind the belief that the article contained 9 per cent of protein, whereas, in truth and in fact, it did not, and that it contained brewer's grain, whereas, in truth and in fact, it did not contain brewer's grain, but contained in lieu thereof, and as a substitute therefor, cottonseed hulls, peanut hulls, rice hulls, and oat hulls, which were not declared on the label.