

Misbranding of the article was alleged in substance for the reason that the labels on the cans bore statements regarding the article which were false and misleading, that is to say, the label bore the following words, "Finest Quality Table Oil," and the device (representation of an olive tree and natives picking olives), and the words "cottonseed salad oil flavored slightly with Olive Oil," in inconspicuous type, which last words quoted did not correct the false and misleading impression, and which statements, words, and devices were intended to be of such a character as to induce the purchaser to believe that the article was olive oil, when, in truth and in fact, it was not; for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; for the further reason that the labels on the cans bore the words, to wit, "One Half Gallon Net," whereas there was an average shortage in each purported half gallon of 9.20 per cent; and 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 in terms of weight, measure, or numerical count.

On November 3, 1919, Giuseppe Battaglia, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

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

7488. Misbranding of olive oil (so called). U. S. * * * v. 11 Gallon Cans and 43 ¼-Gallon Cans of Olive Oil (So Called). Consent decree of condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 10778. I. S. Nos. 14208-r, 14209-r. S. No. E-1598.)

On July 1, 1919, the United States attorney for the District of Connecticut, 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 11 gallon cans and 43 ¼-gallon cans of olive oil (so-called), remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped on or about May 28, 1919, by the Southern Importing Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The gallon cans were labeled in part, "Finest Quality Table Oil Tipo Termini Imerese," and the ¼-gallons were labeled in part, "Finest Quality Table Oil."

Adulteration was alleged in the libel for the reason that there had been mixed and packed with the article another oil, to wit, cottonseed oil, so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that cottonseed oil had been substituted wholly or in part for the article purporting to be olive oil.

Misbranding of the article was alleged for the reason that the labels on the cans bore statements regarding the article which were false and misleading, that is to say, the labels on the gallon cans bore certain statements and devices regarding the article which were false and misleading, that is to say, the labels bore the following words, "Finest Quality Table Oil Tipo Termini Imerese cottonseed oil slightly flavored with Olive Oil Cicilia Atalia Guaranteed Absolutely Pure (representation of an olive tree and natives picking olives)," and the labels of the ¼-gallon cans bore the following words, to wit, "Finest Quality Table Oil * * * cottonseed salad oil flavored slightly

with Olive Oil (representation of an olive tree and natives picking olives),” which statements and designs were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not, said false and misleading impression thus created not being corrected by the statement in inconspicuous type, “cottonseed salad oil flavored slightly with Olive Oil;” for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; for the further reason that the labels of the cans bore the words “One Gallon Net” and “One Quarter Gallon Net,” respectively, whereas there was an average shortage in each purported gallon of 7.28 per cent and in each purported quarter gallon of 8 per cent; and 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 in terms of weight, measure, or numerical count.

On November 3, 1919, Giuseppe Battaglia, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

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

7489. Misbranding of Vegetable Blood Purifier. U. S. * * * v. 4½ Dozen Bottles of Vegetable Blood Purifier. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10636. I. S. No. 15011-r. S. No. E-1546.)

On June 17, 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 a libel for the seizure and condemnation of 4½ dozen bottles of Vegetable Blood Purifier, consigned by the Gibson-Howell Co., Jersey City, N. J., remaining unsold in the original unbroken packages at Reading, Pa., alleging that the article had been shipped on or about April 27, 1918, and transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) “Vegetable Blood Purifier * * *. This preparation highly useful in eruptive skin diseases, syphilitic affections, salt rheum, ringworm, boils, pimples, ulcers, rheumatism, and all diseases arising from an imperfect state of the blood. It enriches the blood, renovates the whole system and restores normal vigor and healthy action to every organ;” (circular) “* * * Blood Purifier * * * for the relief of scrofula, cancerous or indolent tumors, eruptive diseases, erysipelas, syphilitic affections, rheumatism, ulcers, catarrh, boils, pimples, ringworms, and all disorders due to a depraved condition of the blood. * * * Scrofulous diseases, in all the various forms, such as king’s evil, white swelling, chronic rheumatism, cancer, diseases of the skin and spine, all arise from one and the same cause—a poison inherent in the system; and, unless this poison is removed, a positive relief cannot be effected. In certain deep-seated disorders, such as constitutional scrofula, accompanied by enlarged glands, the Vegetable Blood Purifier should be used for some time after all the external signs of the disease have disappeared. For syphilis, venereal blood diseases and mercurial poisoning, the Vegetable Blood Purifier should be taken for six months or a year, * * * Boils, * * * Salt Rheum, tetter, pimples, blotches, jaundice, erysipelas, and all kindred skin diseases, often yield readily