

5118. Misbranding of Pabst's Okay Specific. U. S. * * * v. 4 Dozen Bottles of Pabst's Okay Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11249. I. S. No. 17059-r. S. No. E-1721.)

On October 9, 1919, the United States attorney for the District of Porto Rico, 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 4 dozen bottles of Pabst's Okay Specific, remaining in the original unbroken packages at San Juan, P. R., alleging that the article had been shipped on or about July 17, 1919, by the Pabst Chemical Co., Chicago, Ill., and transported from the State of Illinois into the Island of Porto Rico, 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 cubebs, copaiba, unidentified plant extractives, oil of peppermint, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded so as to deceive and mislead the purchaser or purchasers thereof, in that certain statements regarding the curative or therapeutic effects thereof, appearing in the circular accompanying the article, falsely and fraudulently represented it to be effective as a remedy for gonorrhœa and gleet, no matter how long standing, leucorrhœa of women, commonly called whites, bladder and kidney affections, chronic seminal and mucous discharges, chronic gonorrhœa, and as a cure for the most serious cases of gonorrhœa and the oldest cases of gleet, whereas, in truth and in fact, it was not.

On November 28, 1919, 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.*

5119. Misbranding of olive oil. U. S. * * * v. Gabriel Carbateas and Nicholas S. Monahos (N. S. Monahos). Pleas of guilty. Fine, \$25. (F. & D. No. 11982. I. S. No. 11930-r.)

On June 21, 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 Gabriel Carbateas and Nicholas S. Monahos, copartners, doing business as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 3, 1919, from the State of New York into the State of Ohio, of a quantity of an article, labeled in part "Extra Fine Imported Olive Oil Lemmos Brand * * * Net Contents 1 Gallon," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the quantity of the contents of the cans was 3 quarts, 1 pint, and 13.2 fluid ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 1 Gallon," borne on the cans containing the article, regarding it, was false and misleading in that it represented that each of the cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, each of said cans did not contain 1 gallon net of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.