condemnation of 1,098 cases of tomatoes, consigned on or about October 27, 1919, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Charles Webster, East New Market, Md., and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Rose Hill Brand Tomatoes Packed by Chas. Webster, East New Market, Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with, and substituted wholly or in part for, tomatoes.

Misbranding was alleged in substance for the reason that the package or label of the article bore statements, designs, and devices regarding the article or the ingredients or substance contained therein, to wit, "Rose Hill Brand Tomatoes," and cut or design of a whole ripe tomato, which were false and misleading and deceived and misled the purchaser, and for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, another and different article.

On April 5, 1920, the United Grocers' Co., Brooklyn, N. Y., claimant, having admitted the truth of the allegations of the libel and 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 payment of the costs of the proceedings and the execution of a bond in the sum of $2,200, in conformity with section 10 of the act, conditioned in part that the goods be relabeled under the supervision of this department by adding to the labels on each can, by stamp or sticker, the phrase "Packed with 10% added water."

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

8479. Adulteration and misbranding of Pepso-Laxatone. U. S. * * * v. 40 Bottles of Pepso-Laxatone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12145. I. S. No. 7874-r. S. No. C-1657.)

On February 12, 1920, the United States attorney for the Southern 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 40 bottles of Pepso-Laxatone, consigned by the Burlingame Chemical Co., Los Angeles, Calif., October 14, 1919, remaining unsold in the bottles at Cincinnati, Ohio, alleging that the article had been transported from the State of California into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Pepso-Laxatone * * * An efficient combination of agents used for the relief of * * * gastric disorders and indigestion * * * Burlingame Chemical Company, Los Angeles."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained not more than a trace, if any, of diastase and of pancreatin.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold, since it contained not more than a trace, if any, [of] diastase and pancreatin.

Misbranding was alleged in substance for the reason that the statement regarding the ingredients contained in the bottles, on the label of the bottles, were false and misleading, and for the further reason that the statement regarding its curative and therapeutic effects, "an efficient combination of agents for

* * * gastric disorders and indigestion," was false and fraudulent in that said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On May 18, 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.*

8480. Misbranding of olive oil. U. S. * * * v. 3 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10416. I. S. No. 12924–r. S. No. E–1441.)

On May 21, 1919, the United States attorney for the District of Massachusetts, 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 3 cases of olive oil, consigned by the Union Olive Oil Co., New York, N. Y., March 5, 1919, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Olive Oil Lemnos Brand * * * N. S. Monahos * * * New York."

Examination of a representative sample consisting of 33 cans showed an average content of 0.961 gallon, or a shortage in the quantity of contents of 3.9 per cent.

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the cans containing the article, "Net Contents One Gallon," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said olive oil was food in package form, and the quantity of the contents was not declared.

On May 10, 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.*

8481. Misbranding of Mowerys Gonorrhœa Paste. U. S. * * * v. 60 Boxes of Mowerys Gonorrhœa Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10439. I. S. No. 15741–r. S. No. E–1460.)

On May 26, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on September 25, 1919, an amended libel, for the seizure and condemnation of 60 boxes of Mowerys Gonorrhœa Paste, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Binkley Medicine Co., Dayton, Ohio, on or about December 17, 1918, and transported from the State of Ohio into the State of Virginia, 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 powdered cubebs, copaiba balsam, alum, and magnesia.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the wrapper and box label, and in the accompanying circular, regarding the curative and therapeutic effects thereof, to wit, (wrapper) "Mowerys Gonorrhœa Paste A highly valuable and efficient