

containing 18 gallon cans, 2 cartons containing 24 half-gallon cans, and 12 quart cans of Olivolo Brand oil, remaining unsold in the original unbroken packages, in part within the Borough of Richmond, and in part within the Borough of Brooklyn, State of New York, alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about June 17 and 24, 1921, respectively, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "La Provence Brand Oil \* \* \* Pressed From Cotton Seeds \* \* \* One Pint" (or "One Quart," "One Half Gallon," or "One Gallon") "\* \* \* Littauer Oil Co., Guttenberg, N. J." The remainder of the article was labeled in part: "Olivolo Brand Olio Per Insalata Come L'Olio D'Oliiva \* \* \* A Pure Salad Oil Blended with Olive Oil \* \* \* Il Olivolo 'Olio' Viene Estratto Da Vegetali Di Prima Qualita Con Metodi Perfezzionati: E'Iginici E'Perfettamente \* \* \* E'Salutifero Per Eccellenza \* \* \* La Marca \* \* \* Olivolo \* \* \* Il Olivolo 'Olio' \* \* \* One Gallon" (or "One Half Gallon" or "One Quart") "Packed By Littauer Oil Co., Guttenberg, N. J." (design of a draped flag).

Adulteration of the Olivolo Brand oil was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the article, and for the further reason that it was mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged with respect to both brands (with the exception of the half-gallon cans of Olivolo Brand oil) for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside thereof, since the quantity stated was not correct. Misbranding was further alleged with respect to the Olivolo Brand for the reason that the packages or labels bore statements, designs, and devices, regarding the article and the ingredients and substances contained therein, which were false and misleading and deceived and misled the purchaser, for the further reason that the said article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it purported to be a foreign product when not so.

On October 13, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and subsequently the product was ordered delivered to charitable institutions.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11153. Adulteration of coriander seed. U. S. v. 11 Sacks and 6 Sacks of Coriander Seed. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16078, 16646. S. Nos. C-3502, C-3715.)**

On April 4 and July 20, 1922, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 17 sacks of coriander seed, remaining unsold in the original unbroken packages in possession of the Biston Coffee Co., St. Louis, Mo., alleging that the article had been shipped from East St. Louis, Ill., in part on or about March 15, 1922, and in part on or about June 30, 1922, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The sacks in the consignment of March 15 were labeled in part: "From Biston Coffee Company, St. Louis, Missouri."

Adulteration of the article was alleged in substance in the libels for the reason that worm-eaten seeds, weed seeds, and soil, with respect to the shipment of March 15, and worm-eaten seeds, weed seeds, dirt (weevil) and mouse excreta, stones, and dirt, with respect to the shipment of June 30, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy vegetable substance.

On November 21, 1922, the Biston Coffee Co., St. Louis, Mo., having entered an appearance as claimant for the property, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of good and sufficient bonds, in conformity with section 10 of the act, said bonds being in the aggregate sum of \$400,

conditioned in part that the claimant pay the costs of the proceedings and that the product be recleaned.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11154. Adulteration of butter. U. S. v. 124 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16688. I. S. No. 3760-v. S. No. C-3745.)

On July 31, 1922, the United States attorney for the Northern District of Illinois, 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 124 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the New London Creamery Assoc., New London, Minn., July 18, 1922, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

On September 7, 1922, the New London Creamery Assoc., New London, Minn., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon 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, conditioned in part that it be reprocessed in such a manner as to remove the excess water, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11155. Misbranding of Eckman's alterative. U. S. v. 197½ Dozen Large Bottles, et al., of Eckman's Alterative. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 16701, 16702, 16703, 16704, 16730. I. S. Nos. 8026-v, 8102-v. S. Nos. W-1177, W-1185.)

On August 3 and 9, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 240½ dozen large bottles and 158½ dozen small bottles of Eckman's alterative, remaining in the original unbroken packages, in part at San Francisco, Calif., and in part at Sacramento, Calif., alleging that the article had been shipped by the Burrows-Little-White Co., Philadelphia, Pa., in part November 23, 1921, and in part April 12, 1922, and transported from the State of Pennsylvania into the State of California, 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 3.3 per cent of calcium chlorid, 2.3 per cent of plant extracts, and 94.4 per cent of water, flavored with clove oil.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effect of the said article, (carton and bottle, both sizes) "Eckman's Alterative For use in the following Throat and Lung Affections Bronchial Asthma, Catarrhal Bronchitis and Pulmonary Troubles, Stubborn Coughs and Colds," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 23 and October 14, 1922, respectively, the Burrows-Little-White Co., Philadelphia, Pa., having entered an appearance as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the product be made to conform with the provisions of the said act under the direction and to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*