11208. Adulteration of walnuts. U. S. v. 179 Bags of Walnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16910. I. S. No. 72–v. S. No. E–4214.)

On November 10, 1922, 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 a libel for the seizure and condemnation of 179 bags of walnuts at New York, N. Y., alleging that the article had been shipped by the China Mail Steamship Co., San Francisco, Calif., October 22, 1921, and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 12, 1922, the John Kutsukian Co., Inc., New York, N. Y., claimant, having admitted the 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 $2,000, in conformity with section 10 of the act, conditioned in part that the product be repicked, regraded, and disposed of under the supervision of and in a manner approved by this department.

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

11209. Adulteration and misbranding of canned oysters. U. S. v. 16 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17087. I. S. No. 8110–v. S. No. W–1269.)

On December 27, 1922, the United States attorney for the Northern District of California, 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 16 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Dunbar-Dukate Co., New Orleans, La., about June 19, 1922, and transported from the State of Louisiana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Louisiana Cove Oysters Net Contents 5 Ozs. Oyster Meat Dunbar Dukate Company, New Orleans, La."

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

Misbranding was alleged for the reason that the statement, "Net Contents 5 Ozs. Oyster Meat," was false and misleading and deceived and misled the purchaser, and 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.

On January 9, 1923, the James Force Co., San Francisco, Calif., claimant, having 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 $100, in conformity with section 10 of the act, conditioned in part that it 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.*

11210. Adulteration of tankage. U. S. v. Darling & Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 9299. I. S. Nos. 11818–p, 15140–p, 15141–p, 15155–p.)

On December 31, 1919, 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 an information against Darling & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about September 19, October 11, October 20, and December 21, 1917, respectively, from the State of Illinois in part into the State of Iowa and in part into the State of Indiana, of quantities of tankage which was adulterated. A portion of the article was labeled in part: "100 Pounds Darling's 60%

Digester Tankage * * * Manufactured By Darling & Company." The remainder of the article was labeled in part: "100 Pounds Darling's Hog Cents Digester Tankage * * * Manufactured By Darling & Company Union Stock Yards Chicago."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it contained glass.

Adulteration of the article was alleged in the information for the reason that it contained an added deleterious ingredient, to wit, glass, which might render said article injurious to health.

On January 10, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

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

11211. Misbranding of H. H. H. liniment. U. S. v. Robert L. Gifford (William Gifford & Co.). Plea of guilty. Fine, $50. (F. & D. No. 12303. I. S. No. 7564-r.)

On November 30, 1920, 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 an information against Robert L. Gifford, trading as William Gifford & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 15, 1918, from the State of Illinois into the State of Iowa, of a quantity of H. H. H. liniment which was misbranded. The article was labeled in part: "The Celebrated H. H. H. Liniment * * * Man and Beast * * * Wm. Gifford & Co. Propt's Chicago."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ammonia, camphor, sassafras oil, soap, alcohol, and water.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the curative and therapeutic effects of the said article, borne on the bottle containing the article and in the accompanying circular, or on the bottle or accompanying circular, as the case might be, to wit, (bottle and circular) "For Rheumatism," "For * * * Neuralgia," "For * * * Diphtheria," "For * * * Sciatica," "For * * * Pleurisy," "For * * * Frost Bites, Burns * * * Headache * * * Toothache, Lame Back * * * Corns," "For * * * Splent," (bottle) "For * * * Earache," "For * * * Bites of Insects," "For Spavins," "For * * * Ringbone," "For * * * Sweeney," "For Colic or Bots," (circular) "For * * * Lameness," "For * * * Sore Throat," "Directions For Using H. H. H. Liniment * * * Quinsey * * * Sick Headache * * * Kidney Complaint And Lumbago * * * Catarrh * * * Swollen Tonsils," falsely and fraudulently represented the article to be effective as a treatment, remedy, and cure for rheumatism, neuralgia, diphtheria, sciatica, pleurisy, frostbites, burns, headache, toothache, lame back, corns, earache, bites of insects, lameness, sore throat, quinsey, sick headache, kidney complaint and lumbago, catarrh, swollen tonsils, spavins, ringbone, splent, sweeney, and colic or bots, when, in truth and in fact, it was not.

On February 1, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

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

11212. Misbranding of olive oil. U. S. v. Lawrence Greco (Greco Importing Co.). Plea of guilty. Fine, $25. (F. & D. No. 13094. I. S. No. 11813-r.)

On November 30, 1920, 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 an information against Lawrence Greco, trading as Greco Importing Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 27, 1919, from the State of Illinois into the State of Wisconsin, of a consignment of olive oil which was misbranded. The article was labeled in part: "Termini Imerese Finest Quality Olive Oil Contents ½ Gallon."

Examination of 16 cans of the article by the Bureau of Chemistry of this department showed that the average volume was 0.44 gallon.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents ½ Gallon," borne on the cans containing the article, regarding the said article, was false and misleading in that it