

the product be relabeled in part: "Wineberre Brand Imitation Loganberry Syrup \* \* \* A Compound of Loganberry Juice Syrup Fruit Acid Acetic Acid Artificial Flavors and Colors Manufactured By The Wine-Berre Mfg. Corp. Kansas City, Mo.," and that it be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13629. Adulteration of butter. U. S. v. Holding Farmers Creamery. Plea of guilty. Fine, \$25. (F. & D. No. 18458. I. S. No. 374-v.)**

On November 12, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Holding Farmers Creamery, a corporation, Holdingford, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about June 18, 1923, from the State of Minnesota into the State of New York, of a quantity of butter in tubs which was adulterated.

Analyses by the Bureau of Chemistry of this department of nine samples of the article showed an average of 77.3 per cent of fat and 19.4 per cent of moisture.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On November 18, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13630. Misbranding of Tu-Ber-Ku. U. S. v. 4 Dozen Bottles of Tu-Ber-Ku. Decree of forfeiture and destruction entered. (F. & D. No. 18138. S. No. E-4572.)**

On December 12, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 dozen bottles of Tu-Ber-Ku, remaining in the original unbroken packages at Rome, Ga., alleging that the article had been shipped by the Cawthon-Coleman Drug Co., from Selma, Ala., on or about February 27, 1923, and transported from the State of Alabama into the State of Georgia, 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 glycerin, alcohol, sugar, water, and a trace of a phenolic substance, flavored with peppermint oil.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article: (Carton and bottle) "Consumption \* \* \* Croup, Colic, Catarrh And Asthma," (carton only) "for \* \* \* all Throat and Lung Troubles \* \* \* has accomplished many wonderful cures even in cases given up by physicians \* \* \* in all chronic cases," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On November 20, 1924, a decree adjudging the product forfeited was entered, and it was ordered by the court that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13631. Adulteration and misbranding of olive oil. U. S. v. Isadore Haber. Plea of guilty. Fine, \$150. (F. & D. No. 16417. I. S. Nos. 15415-t, 15416-t, 15417-t, 15418-t, 15424-t, 15425-t, 15426-t.)**

On June 10, 1925, the United States attorney for the Eastern 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 Isadore Haber, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about June 15, 20, and 24, 1921, respectively, from the State of New York into the State of New Jersey, of quantities of olive oil which was adul-

terated and misbranded. The article was labeled in part: (Can) "Olio d'Oliva Puro Importato Pure Imported Olive Oil \* \* \* Napoli Brand Net Contents One Gallon" (or "Net Contents Half-Gallon" or "Net Contents One Quart") "This imported olive oil is guaranteed to be absolutely pure and especially adapted for medicinal and table use. \* \* \* I. Haber Importer & Packer N. Y."

Examination by the Bureau of Chemistry of this department of samples of the article showed that it contained peanut oil and that the quantity of the contents was less than that stated.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, peanut oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the said article purported to be.

Adulteration of the article considered as a drug was alleged for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity, as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it was composed in part of peanut oil, and said pharmacopœia provides that olive oil shall be obtained wholly from the ripe fruit of *olea europea*, and the standard of the strength, quality, and purity of the article was not declared on the containers thereof.

Misbranding was alleged for the reason that the statements, to wit, "Pure Imported Olive Oil," "This imported olive oil is guaranteed to be absolutely pure," "Napoli Brand," and "Net Contents One Gallon," "Net Contents Half-Gallon," or "Net Contents One Quart," as the case might be, together with the design and device of an Italian scene, borne on the labels of the cans containing the article, were false and misleading, in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that each of the cans contained 1 gallon,  $\frac{1}{2}$  gallon, or 1 quart of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that each of the said cans contained 1 gallon,  $\frac{1}{2}$  gallon, or 1 quart of the article, as the case might be, whereas it was not olive oil but was a mixture composed in part of peanut oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of the said cans did not contain the amount declared on the label but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it was branded as an article produced in Italy, whereas it was produced in the United States of America, for the further reason that the statements, design, and device borne on the cans purported the article to be a foreign product when not so, 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 packages.

On July 10, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13632. Adulteration and misbranding of cheese. U. S. v. 60 Pounds of Cheese. Default decree entered, ordering product destroyed.**  
(F. & D. No. 19833. I. S. No. 22570-v. S. No. C-4667.)

On February 26, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 pounds of cheese, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., from Chicago, Ill., January 23, 1925, and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping case) "Daisy Brand Farmer Cheese," (lid of tub) "Cottage Cheese," (wrapper) "Daisy Wholesome Nutritious Food Product Mfd. By Chicago Cheese & Farm Products Co."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been substituted wholly or in part for the said article.