

11812. Adulteration and misbranding of olive oil. U. S. v. 1 Barrel of Olive Oil. Default decree of condemnation, forfeiture, and sale.
(F. & D. No. 15669. I. S. No. 5252-t. S. No. E-3655.)

On November 30, 1921, the United States attorney for the District of New Hampshire, 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 1 barrel of olive oil at Nashua, N. H., alleging that the article had been shipped by Moustos & Cotsis, from Boston, Mass., on or about November 15, 1921, and transported from the State of Massachusetts into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Rivalry Extra Pure Olive Oil * * * Marconia 46;" (tag) "Importers Of Greek & Italian Products Pure Olive Oil A Specialty."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for olive oil.

Misbranding of the article was alleged in substance for the reason that the statements in the labeling, to wit, "Rivalry Extra Pure Olive Oil" and "Greek & Italian Products Pure Olive Oil A Specialty," were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the article was an imitation 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 20, 1922, 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 sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11813. Adulteration and misbranding of cocoa. U. S. v. 7 Dozen Packages of Cocoa. Default decree of condemnation, forfeiture, and sale.
(F. & D. No. 15749. I. S. No. 5254-t. S. No. E-3699.)

On December 27, 1921, the United States attorney for the District of New Hampshire, 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 7 dozen packages of cocoa at Manchester, N. H., alleging that the article had been shipped by Samuel Opler Co., from New York, N. Y., on or about June 3, 1921, and transported from the State of New York into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Amoskeag Brand Cocoa."

Adulteration of the article was alleged in the libel for the reason that excessive cocoa shells had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quantity [quality] and had been substituted wholly or in part for cocoa.

Misbranding was alleged in substance for the reason that the labels on the packages containing the article bore the statement, "Cocoa," which was false and misleading and deceived and misled the purchaser.

On October 20, 1922, 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 sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11814. Adulteration of tomato catsup. U. S. v. 411 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 15980. I. S. Nos. 18310-t, 18311-t. S. No. C-3422.)

On February 14, 1922, the United States attorney for the Eastern District of Louisiana, 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 411 cases of tomato catsup, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Thomas Canning Co., Grand Rapids, Mich., on or about November 30, 1921, and transported from the State of Michigan into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thomas' Tomato Catsup * * * Packed By Thomas Canning Co. Grand Rapids, Mich."

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 February 10, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11815. Misbranding of Ferraline. U. S. v. 68 Bottles of Ferraline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16295. S. No. C-3612.)

On May 12, 1922, the United States attorney for the Eastern District of Louisiana, 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 68 bottles of Ferraline, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Ferraline Medicine Co., Demopolis, Ala., on or about September 22, 1921, and transported from the State of Alabama into the State of Louisiana, 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 about 3 per cent of iron sulphate and other iron compounds and about 97 per cent of water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, (bottle) "For Indigestion, Rheumatism, Catarrh Of Stomach, Inflammation Of Stomach, Dysentery, Kidney Trouble System Builder," (carton) "For Rheumatism, Indigestion, Dyspepsia, Catarrh of Stomach, Inflammation of Stomach, Dysentery. System Builder * * * Builds up the Rundown System, Restores Vitality, cures 'Spring Fever' and has no equal in the treatment of Kidney Trouble. For weak, Puny Children this Natural Remedy can be relied upon no matter how serious or long standing," (circular) "an excellent system builder * * * For Indigestion, Dyspepsia, Catarrh Of The Stomach * * *. If the first dose fails to relieve * * * repeat until relieved. Rheumatism * * * Bad Blood * * * Dysentery Or Bloody Flux * * * Burns * * * Run Down Condition * * * Kidney Trouble And Backache * * * permanent relief to those suffering with Indigestion Rheumatism Bad Blood Run Down System Burns * * * Etc. * * * 'Ferraline' Will help prevent Influenza. * * * 'I had a bad case of influenza and pneumonia * * *. 'Ferraline' cured me entirely * * *.' * * * It will make delicate run-down women beautiful, healthy and strong," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 12, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11816. Misbranding of DeWitt's eclectic cure. U. S. v. 3 Dozen Bottles and 2 Dozen Bottles of DeWitt's Eclectic Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16394. S. No. E-3952.)

On June 24, 1922, the United States attorney for the Southern 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 3 dozen large bottles and 2 dozen small bottles of DeWitt's eclectic cure at Arabi, Ga., alleging that the article had been shipped by the W. J. Parker Co., from Baltimore, Md., June 1, 1922, and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) (both sizes) "Dr. DeWitts Eclectic Cure * * * For Cramps, Colic and Diarrhoea * * * Indigestion * * * Horse Colic;" (carton) (both sizes) "Cure * * * for Indigestion, Diarrhoea, Cramps, * * * Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * Cholera * * * Cholera Morbus * * * Rheumatism and Pains generally * * * Sprains or Frosted Feet;" (circular) (in retail package, large size, and in shipping package, small size) "Cure * * * for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * spasmodic attacks * * * Swelling of the Stomach * * * Sprains * * * Horse Colic * * * Chicken Cholera."