

1920, November 23, 1921, and April 6, 1922, respectively, in part from Philadelphia, Pa., and in part from Kansas City, Mo., and transported from the States of Pennsylvania and Missouri, respectively, 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 chloride, 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 libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, (carton and bottle) "Eckman's Alternative [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 October 28, 1922, the Burrows-Little-White Co. having appeared as claimant for the property and having executed a bond in the sum of \$700, in conformity with section 10 of the act, conditioned in part that the claimant pay the costs of the proceedings, it was ordered by the court that the said product be released to the claimant for the purpose of rebranding or relabeling.

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

**11864. Adulteration and misbranding of salad oil. U. S. v. 27 Cartons of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 16740. I. S. No. 7114-t. S. No. E-4073.)**

On July 24, 1922, the United States attorney for the District of New Jersey, 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 27 cartons, each containing 6 gallon cans of salad oil, at Newark, N. J., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about June 29, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "High Grade Oil Medaglia D'Oro Brand \* \* \* Vegetable Salad Oil More Practical Than Olive Oil A Compound Contents 1 Gallon Packed By B. Mayer, New York."

Adulteration of the article was alleged in the libel for the reason that a substance or substances, namely, an oil or oils other than olive, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the package or label bore a statement, as follows, "High Grade Oil Medaglia D'Oro Brand \* \* \* Re d'Italia \* \* \* Contents 1 Gallon Packed By B. Mayer, New York," together with designs of a medal apparently of foreign origin, a cut showing an Italian soldier on horseback in foreground, and a conventional design of olive branches with background showing an Italian scene, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged 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, since the statement made was not correct. Misbranding was alleged for the further reason that the package was falsely branded as to the State in which the article was manufactured or produced, for the further reason that the article was an imitation of or 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 26, 1922, Benjamin Mayer, 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 \$200, in conformity with section 10 of the act, conditioned in part that the article be relabeled under the supervision of this department, as follows: "Corn Oil (Made in America) Contents 3 qts. 1 pt. 12 ozs. Distributed by B. Mayer, New York. Olio Di Granturco (Prodotto d'America) Contenuto 3 quarti 1 pinta 12 onze. B. Mayer, Distributore, New York."

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