

On October 31, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11960. Misbranding of olive oil. U. S. v. Andrea Russo (Andrea Russo & Co.). Plea of guilty. Fine, \$150. (F. & D. No. 16558. I. S. Nos. 1770-t, 11174-t, 12816-t, 12817-t.)

On July 9, 1923, 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 Andrea Russo, trading as Andrea Russo & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in various consignments, on or about May 13, August 10, and September 14, 1921, respectively, from the State of Illinois into the States of Colorado, Oklahoma, and Utah, respectively, of quantities of olive oil which was misbranded. The article was labeled in part: "One Quart Net" (or "Half Gallon Net" or "One Gallon Net") "Diana Brand * * * Olive Oil."

Examination by the Bureau of Chemistry of this department of samples of the article from the various consignments showed that the said cans contained less than the quantities declared on the respective labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "One Quart Net," "Half Gallon Net," and "One Gallon Net," borne on the cans containing the article, were false and misleading in that they represented that each of the said cans contained 1 quart, 1 half gallon, or 1 gallon net of the said 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 each of the said cans contained 1 quart, 1 half gallon, or 1 gallon net of the said article, as the case might be, whereas each of 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 food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11961. Misbranding of olive oil. U. S. v. Gus Kakarakis and Frank Kakarakis (Kakarakis Bros.). Pleas of guilty. Fine, \$150. (F. & D. No. 16566. I. S. Nos. 18606-t, 18609-t, 18611-t.)

On July 9, 1923, 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 Gus Kakarakis and Frank Kakarakis, copartners, trading as Kakarakis Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about November 16, November 29, and December 2, 1921, respectively, from the State of Illinois into the State of Indiana, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Contents 1 Quart" (or "Contents $\frac{1}{2}$ Gallon" or "Contents 1 Gallon" or "Contents 1 Pint"), "Electra Brand Extra Superfine Pure Olive Oil * * * Kakarakis Bros. Chicago, Ill."

Examination by the Bureau of Chemistry of this department of 20 cans each of the quart, half-gallon, and gallon sizes showed an average net volume of 1 pint 15.59 fluid ounces, 1 quart 1 pint 15.47 fluid ounces, and 3 quarts 1 pint 14.95 fluid ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 1 Quart," "Contents $\frac{1}{2}$ Gallon," "Contents 1 Gallon," and "Contents 1 Pint," borne on the respective-sized cans containing the said article, were false and misleading in that they represented that each of the said cans contained 1 quart, 1 half gallon, 1 gallon, or 1 pint 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 each of said cans contained 1 quart, 1 half gallon, 1 gallon, or 1 pint of the article, as the case might be, whereas each of said cans did not contain the amount declared on the label thereof but did contain a less amount. 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 packages.

On October 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11962. Misbranding of Ironglond tonic tablets. U. S. v. 1 Dozen Packages of Ironglond Tonic Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17673. I. S. No. 8386-v. S. No. W-1399.)

On July 31, 1923, the United States attorney for the District of Oregon, 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 dozen packages of Ironglond tonic tablets, at Portland, Oreg., alleging that the article had been shipped by the Sanitary Products Co., from San Francisco, Calif., July 9, 1923, and transported from the State of California into the State of Oregon, 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 the product consisted of pills containing an iron compound, strychnine, and material of animal origin, coated with sugar, starch, and calcium carbonate, colored with a red dye.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, (carton and pink circular) "Ironglond tonic tablets are for the up-building of the Genital Organs of both Male and Female * * * of Great Value in Restoring Youthful Vigor and Vitality to Weak, Run Down Nervous Men and Women," (carton) "Used For Sexual Debility—Lost Vitality * * * Nervousness—Asthenia Low Blood Pressure—Weaknesses Sexual Neurasthenia," (pink circular) "a rejuvenating tonic and gland body builder * * * If You Suffer From Sexual Debility Sexual Neurasthenia Asthenia Nervousness * * * Lost Vitality Run-Down Condition General Weaknesses, Etc. Take Ironglond Tonic Tablets * * * The Most Important Glands Are The Sex Glands * * * control the life energy * * * in both Male and Female. Every muscle, nerve and tissue is actuated by the tremendously powerful secretions from the sex glands. Depletion of the vital sex fluids always accompanies old age and debility * * * A Renewal of Strength, Especially to the Functioning of the Glands * * * for Low Vitality, loss of vigor and endurance in the overworked or abused male system. For Women: For weakened physical conditions, etc.," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 31, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11963. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 16916. I. S. No. 7877-v. S. No. W-1231.)

On November 10, 1922, the United States attorney for the District of Oregon, 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 1,000 cases of canned salmon, at Astoria, Oreg., delivered for shipment from the State of Oregon into the State of Florida, alleging that the article had been sold, shipped, and consigned from Astoria, Oreg., by the Warrenton Clam Co., Astoria, Oreg., November 3, 1922, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choice Columbia River * * * Salmon Contents 15½ Oz. Beaver Brand * * * Packed By D. Hansen Packing Co. Hammond, Oregon."

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 animal substance, and for the further reason that a filthy, decomposed, and putrid animal substance, to wit, salmon, had been substituted for normal salmon of good commercial quality.

On or about November 1, 1923, the Union Fishermen's Cooperative Packing Co., a corporation organized under the laws of Oregon, having appeared as