

sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation of the article, in that it was a product largely composed of cottonseed oil, whereas said pharmacopoeia provided that olive oil should consist wholly of oil obtained from the ripe fruit of *Olea europaea*; and the standard of the strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged with respect to the portion of the product shipped in labeled cans for the reason that the statements, to wit, "Olive Oil," "Absolutely Pure," "Impaccato in Italia," and "Sicilia," borne on the labels of the said cans, were false and misleading in that the said statements represented that the article was olive oil and was a foreign product, to wit, an olive oil produced in Sicily, Italy, 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 olive oil and was a foreign product, to wit, an olive oil produced in Sicily, Italy, whereas it was not olive oil but was a mixture composed in large part of cottonseed oil, and was not a foreign product, but was a domestic product, to wit, an article composed in large part of cottonseed oil produced in the United States of America. Misbranding of the said portion of the article shipped in labeled cans was alleged for the further reason that it was prepared in imitation of and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it purported to be a foreign product when not so, and for the further reason that it was falsely labeled as to the place where it was manufactured and produced. Misbranding was alleged with respect to the portion of the product shipped in unlabeled cans and invoiced as olive oil for the reason that it was an article composed in large part of cottonseed oil, prepared in imitation of olive oil, and offered for sale and sold under the distinctive name of another article, to wit, olive oil, 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 package.

On January 14, 1929, the defendants entered pleas of guilty to the information, and the court imposed fines aggregating \$300, together with costs.

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

**16185. Adulteration and misbranding of tablets *Bacillus bulgaricus*. U. S. v. 13 Boxes of Tablets *Bacillus Bulgaricus*. Default decree of condemnation and destruction. (F. & D. No. 23189. I. S. No. 04101. S. No. 1289.)**

On or about November 9, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 13 boxes of tablets *Bacillus bulgaricus*, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Fairchild Bros. & Foster, from New York, N. Y., on or about October 5, 1928, and transported from the State of New York into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that its strength fell below the professed standard under which it was sold in that it was sold under the following standard: "Tablet of the *Bacillus Bulgaricus* Contains the true bacillus *Bulgaricus* \* \* \* preserved in a stable, potent form," which standard represented that each tablet of the article contained organisms in sufficient number to be efficacious in the treatment of disease, whereas it failed to contain organisms in sufficient number per tablet to be efficacious in the treatment of diseases.

Misbranding was alleged for the reason that the following statements, (carton) "Tablet of the *Bacillus Bulgaricus* contains the true bacillus *Bulgaricus* \* \* \* preserved in a stable, potent form," (circular) "Tablet of the *Bacillus Bulgaricus* contains the true bacillus *Bulgaricus* \* \* \* conserved in a stable form \* \* \*. It is rigidly standardized, potency guaranteed for the time stamped upon the label," borne on and within the packages containing the said article, were false and misleading.

On February 4, 1929, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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