

for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, 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 each package.

On July 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels on the cans containing the article be obliterated and the product sold by the United States marshal.

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

11512. Misbranding of olive oil. U. S. v. 6 Cans and 60 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15238. I. S. Nos. 6247-t, 6248-t. S. No. E-3480.)

On July 26, 1921, the United States attorney for the Middle District of Pennsylvania, 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 6 cans, of approximately one gallon each, and 60 cans, of approximately one quart each, of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by Virgona & Co., New York, N. Y., on or about May 14, 1921, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Aroma Brand Olio D'Oliiva Extrafino * * * Sole Distributors Virgona & Co. New York First Pressing Cream Olive Oil One Gallon" (or "One Quart") "Full Measure Guaranteed."

Misbranding of the article was alleged in substance in the libel for the reason that the statements, to wit, "One Gallon" and "One Quart," appearing on the respective-sized cans containing the article, were false and misleading and deceived and misled the purchaser, since the said cans did not contain 1 gallon or 1 quart, as the case might be, 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 package, in that the statements, "One Gallon" and "One Quart," respectively, were not correct.

On August 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the statements in the labelings, "One Gallon" and "One Quart," respectively, be obliterated and the product sold by the United States marshal.

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

11513. Misbranding of Aspirinal. U. S. v. 55 Dozen Bottles, et al., of Aspirinal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15693, 15694, 15695. S. No. E-3665.)

On December 5, 1921, the United States attorney for the Western 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 libels praying the seizure and condemnation of 67½ dozen bottles of Aspirinal, remaining unsold in the original unbroken packages at Buffalo, N. Y., consigned by the Aspirinal Laboratories, from Atlanta, Ga., alleging that the article had been shipped from Atlanta, Ga., in three consignments, namely, on or about January 7, January 10, and September 27, 1921, respectively, and transported from the State of Georgia into the State of New York, 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 contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small quantity of sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing on the labels of the bottles containing the said article, to wit, "Aspirinal * * * Colds, Coughs, Influenza, LaGrippe * * * Headache, Toothache, Earache, Stomach-Ache, Neuralgia, Sciatica * * * Rheumatism," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On January 3, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*