

of the United States for said district a libel praying the seizure and condemnation of 201 pounds of blue cohosh, remaining in the original packages at Baltimore, Md., consigned on or about October 11, 1922, alleging that the article had been shipped by Arthur Stallman & Co., from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Blue Cohosh Rt \* \* \* From Arthur Stallman & Co. New York."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of blue cohosh with earthy matter. The yield of ash was 11.95 per cent. (The National Formulary requires that blue cohosh yield not more than 6 per cent of ash.)

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the National Formulary, official at the time of investigation, and its own standard of strength, quality, and purity was not plainly stated upon the containers thereof.

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the said label, "Blue Cohosh," was false and misleading.

On or about March 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.*

**11603. Misbranding of olive oil. U. S. v. 60 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17118. I. S. Nos. 2088-v, 2089-v, 2090-v. S. No. E-4262.)

On January 10, 1923, the United States attorney for the Western 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 60 cans of olive oil, consisting of 33 pint cans, 21 quart cans, and 6 half-gallon cans, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Armenian Importing Co., from New York, N. Y., September 26, 1922, 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: (Cans) "Prodotti Italiani Olio di Oliva Pure Olive Oil Sopraffino \* \* \* Italia Brand Trade Mark Lucca Toscana Italia Net Conts. 1/8 Gall." (or "Net Conts. 1/4 Gall." or "Net Contents 1/2 Gall.").

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the labels of the cans containing the said article, to wit, "1/8 Gall.," "1/4 Gall.," and "1/2 Gall.," as the case might be, 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.

On April 24, 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.*

**11604. Adulteration of dried figs. U. S. v. 32 Bags of Dried Figs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17339. I. S. No. 322-v. S. No. E-4324.)

On March 12, 1923, the United States attorney for the Southern 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 a libel praying the seizure and condemnation of 32 bags of dried figs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by D. H. Porter & Son, from San Francisco, Calif., on or about October 20, 1922, and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

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 May 16, 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.*

**11605. Adulteration and misbranding of Grapico sirup. U. S. v. 69 Barrels of Grapico Sirup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17361. I. S. No. 6130-v. S. No. C-3927.)**

On or about March 14, 1923, the United States attorney for the Northern District of Alabama, 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 69 barrels of Grapico sirup at Birmingham, Ala., alleging that the article had been shipped by J. Grossman's Sons, New Orleans, La., on or about January 10, 1923, and transported from the State of Louisiana into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Deliciously Refreshing Grapico Naturally Good Syrup \* \* \* J. Grossmans Sons. Mnfgs. New Orleans, La."

Adulteration of the article was alleged in the libel for the reason that an imitation product containing little or no grape had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that it had been colored and flavored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Grapico Naturally Good," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of another article.

On April 28, 1923, J. Grossman's Sons, New Orleans, La., claimants, having admitted the allegations of the libel and consented to the entry of a decree of condemnation and forfeiture and having executed a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the article be labeled as follows, "Imitation Grape Syrup Grapico Naturally Good Syrup. Contains Pure Grape Flavor, Artificial Flavor and Color. J. Grossman's Sons, Manufacturers, New Orleans, La.," it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

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

**11606. Adulteration of canned oysters. U. S. v. 75 Cases of Oysters. Decree for release of product under bond. (F. & D. No. 17398. I. S. No. 10356-v. S. No. C-4003.)**

On or about April 27, 1923, the United States attorney for the District of Indiana, 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 75 cases, each containing 24 cans of oysters, remaining in the original unbroken packages at Seymour, Ind., alleging that the article had been shipped by J. Langrall & Bro., Inc., Baltimore, Md., on or about January 2, 1923, and transported from the State of Maryland into the State of Indiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Extra Heavy Select Cove Oysters Contents 5 Oz. Avd."

Adulteration of the article was alleged in the libel for the reason that a substance, namely, excessive brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for oysters.

On June 19, 1923, the John C. Groub Co., Seymour, Ind., claimant, having admitted the allegations of the libel, paid the costs of the proceedings, and tendered a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said cans of oysters be relabeled, it was ordered by the court that the product be delivered to the said claimant.

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

**11607. Misbranding of tomato paste. U. S. v. John S. Mitchell, Inc., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 17412. I. S. No. 3920-v.)**

At the May, 1923, term of the United States District Court, within and for the District of Indiana, the grand jurors of the United States for said district,