trict Court of the United States for said district an information against Charles Neubert, trading as Charles Neubert & Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 2, 1921, from the State of Maryland into the State of West Virginia, of quantities of oysters which were adulterated. The article was labeled in part: "Neuberts * * * Oysters Known As The Best."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be.

On November 21, 1921, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10303. Misbranding of Lung Germine. U. S. * * * v. 73 Bottles of Lung Germine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15109. Inv. No. 30313. S. No. C-3092.)

On July 2, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 73 bottles of Lung Germine, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about March 19 and 28, 1921, respectively, and transported from the State of Michigan into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle label) "* * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) * * * Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle * * *"; (carton) "* * * Use no other lung medicine when using Lung Germine. Read carefully the circular accompanying this bottle. * * * Your Lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germine in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation. * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages) * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid, alcohol, and water, with small quantities of iron sulphate, spices, and material derived from cod-liver oil.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the package failed to bear a statement on the label thereof of the quantity or proportion of alcohol contained therein.

On September 20, 1921, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

10304. Adulteration and misbranding of table oil. U. S. * * * v. 20 Cans * * * of Table Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15117. I. S. No. 678-t. S. No. C-3094.)

On July 7, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the Dis-

trict Court of the United States for said district a libel for the seizure and condemnation of 20 cans of table oil, at Chicago, Ill., alleging that the article had been shipped by Campas & Co., New York, N. Y., May 19, 1921, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil 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 the said article.

Misbranding was alleged in substance for the reason that the cans containing the article were labeled, marked, and branded as follows, to wit, "Finest Quality Table Oil Termini Imerese Type Net Contents One Gallon Cotton Seed Salad Oil Slightly Flavored with Olive Oil," together with a design showing natives picking olives, which statements and design were false and deceived and misled the purchaser in that they represented that the said article was "Finest Quality Table Oil" and that each of the said cans contained one gallon thereof, whereas, in truth and in fact, the said article consisted of cottonseed oil and each of the said cans contained less than one gallon thereof. Misbranding was alleged in substance for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Finest Quality Table Oil," and for the further reason that the article was food in package form, and did not have a statement of the contents plainly and conspicuously marked on the outside of the package in terms of weight or measure in that the variation between the amount stated in the said label and the quantity of the contents was not a reasonable variation.

On February 18, 1922, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

10305. Adulteration of raisins. U. S. * * * v. 1417 * * * Cartons of Raisins. Judgment by consent ordering release of the product under bond. (F. & D. No. 15229. I. S. No. 166-t. S. No. C-3132.)

On July 20, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,417 cartons of raisins, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by E. R. Sandford, Cambridge, Mass., on or about July 6, 1921, and transported from the State of Massachusetts into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cartons) "25 Lbs. Net Baker's Sun-Maid Bulk Seeded Muscat Raisins California Associated Raisin Company, Fresno, California * * *"

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance.

On January 18, 1922, George W. Teasdale, St. Louis, Mo., claimant, having filed a claim and answer to the libel admitting the allegations of the libel and praying release of the product for the purpose of salvage, judgment of the court was entered ordering the release of the product to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that the said product be sorted and that such portion thereof as should be determined by representatives of this department as unsuitable for sale and consumption as food be destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10306. Adulteration of canned red pimentos. U. S. * * * v. 348 Cases * * * of Red Pimentos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15323. I. S. No. 4933-t. S. No. C-3161.)

On August 16, 1921, 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 a libel for the seizure and condemnation of 348 cases of red pimentos, at Chicago, Ill., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., November 1, 1920, and transported from the State of California into