

in fact, each of said cans contained a less amount and the article was not olive oil but was a mixture composed in large part of cottonseed oil. Misbranding was alleged for the further reason that the said statements, design, and device, borne on the said cans, purported the article to be a foreign product when not so. 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.

Misbranding was alleged for the further reason that the statement, to wit, "Cottonseed Oil Slightly Flavored With Olive Oil," borne on the cans containing the article, was false and misleading in that it represented that the article was flavored with olive oil, 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 flavored with olive oil, whereas, in truth and in fact, it had no flavor of olive oil.

On June 17, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

12346. Adulteration and mishranding of flour. U. S. v. 800 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18083. I. S. No. 8443-v. S. No. W-1442.)

On November 22, 1923, the United States attorney for the Northern District of California, 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 800 sacks of flour remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Crown Mills from Portland, Ore., November 9, 1923, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Sack) "Bakers' Chief Hard Wheat Patent Flour Crown Mills, Portland, Oregon, 98 Pounds Bleached."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement in the label, "98 Pounds" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 12, 1923, the Allen Flour Company, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that the product be made to conform with the provisions of the law under the supervision of this department.

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

12347. Adulteration of Limonada and Zarzaparrilla. U. S. v. 137 Bottles of Limonada and Zarzaparrilla. Default decree entered, ordering destruction of products. (F. & D. Nos. 18563, 18564. I. S. Nos. 3544-v, 3545-v. S. Nos. E-4802, E-4803.)

On or about March 28, 1924, the United States attorney for the District of Porto Rico, 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 137 bottles of Limonada and Zarzaparrilla, at Puerta de Tierra, P. R., alleging that the articles were being offered for sale and that a portion thereof had been sold within the Territory of Porto Rico by the Tropical Fruit Juice Co., Puerta de Tierra, and charging adulteration in violation of the food and drugs act. The articles were labeled in part, respectively: "The Tropical Fruit Juice Co. * * * Limonada" and "The Tropical Industrial Company * * * Zarzaparrilla."

Adulteration of the articles was alleged in the libel for the reason that a solution of saccharin had been substituted in part for the articles, and for the further reason that they contained an added poisonous or deleterious in-

redient, to wit, saccharin, which might have rendered them injurious to health.

On April 26, 1924, no claimant having appeared for the property, judgment of the court was entered in favor of the Government, and it was ordered by the court that the product be destroyed by the United States marshal.

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

12348. Adulteration and misbranding of Almanaris Waukesha water. U. S. v. 250 Cases Almanaris Waukesha Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6891 I. S. No. 10313-L. S. No. C-342.)

On October 4, 1915, 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 praying the seizure and condemnation of 250 cases of Almanaris Waukesha water, at Chicago, Ill., alleging that the article had been shipped by the Almanaris Mineral Spring Co. from Waukesha, Wis., September 16, 1915, and transported from the State of Wisconsin 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 substance 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 it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged in substance for the reason that the labels of the bottles containing the article bore the following statements, "For the Kidneys Almanaris-Waukesha Water Contents one U. S. Gallon Net Waukesha, Wis. U. S. A. None genuine without seal over neck of bottle * * * Almanaris Famous Mineral Water A M S Co. Specific for liver, bladder and stomach troubles—Contents guaranteed if seal is unbroken," which statements were false and fraudulent in that they represented that the article was a cure or remedy for diseases or affections of the kidneys and that it was a specific for liver, bladder, and stomach troubles, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On June 10, 1924, 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.*

12349. Adulteration of canned corn. U. S. v. 800 Cases of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18695. I. S. No. 15221-v. S. No. E-4834.)

On May 20, 1924, 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 of Columbia, holding a United States District Court, a libel praying the seizure and condemnation of 800 cases of canned corn remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Middletown Brand Hearts Of Corn And Sugar Corn * * * Packed By G. H. Baker, Middletown, Delaware."

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

On June 20, 1924, 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.*

12350. Adulteration of shell eggs. U. S. v. 21 Cases and 5½ Cases of Shell Eggs. Decree entered, ordering release of product under bond, to be candled. (F. & D. No. 18450. I. S. No. 6335-v. S. No. C-4301.)

On February 12, 1924, 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 praying the seizure and condemnation of 26½ cases of shell eggs, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped