

**6883. Adulteration of string beans. U. S. \* \* \* v. 1,306 Cases of String Beans. Consent decree of condemnation and forfeiture. 'Good portion ordered released on bond, unfit portion ordered destroyed. (F. & D. No. 9365. I. S. No. 2480-r. S. No. W-247.)**

On September 27, 1918, the United States attorney for the District of Oregon, 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 1,306 cases of string beans, remaining unsold in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped on August 5, 1918, by Armour & Co., Los Angeles, Cal., and transported from the State of California into the State of Oregon, 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 decomposed vegetable substance.

On October 31, 1918, the said Armour & Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sorted under the supervision of a representative of this department, the unfit portion to be destroyed by the United States marshal, and the good portion to be released to said claimant on the payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6884. Misbranding of Fruit-a-tives. U. S. \* \* \* v. 84 Dozen Packages of Fruit-a-tives. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9373. I. S. No. 12525-r. S. No. E-1126.)**

On October 2, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 84 dozen packages of Fruit-a-tives, consigned on August 16, 1918, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Fruitatives Limited, Ogdensburg, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "'Fruit-a-tives.' 'Fruit Liver Tablets.'"

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained essentially extracts of aloes, nux vomica (strychnine), and cinchona bark (quinine).

Misbranding of the article was alleged in the libel of information for the reason that the statements borne on the labels, together with the designs on the cartons showing an apparatus receiving a number of different fruits and discharging apparently Fruit-a-tive tablets [which said statements, designs, and devices] were false and misleading in that they conveyed the impression that the laxative properties of the article were due to the presence of fruit or fruit extracts, when, in truth and in fact, said laxative properties were due to the presence of aloes and nux vomica in the article. Misbranding of the article was alleged for the further reason that the statements, borne on the labels of the packages, to wit, "Strengthens the Stomach and Liver, Tones up the Nervous System, Tones and Sweetens the Stomach, Relieves Headaches, Dizziness, Backache; Fruit-a-tives is an effective remedy \* \* \* and has a distinctly remedial action on the stomach, liver, bowels, kidneys, skin, and nervous system; Fruit-a-tives is a remedy, treatment or cure for indigestion,

kidney irritation, skin diseases, headaches, backaches, sleeplessness, pelvic pains, nervous depression, blood impurities and catarrh," were false and fraudulent in that the article was incapable of producing the curative and therapeutic effects claimed for it.

On November 26, 1919, Brewer & Co., Worcester, Mass., claimant, having filed an answer and a good and sufficient bond, in conformity with section 10 of the act, for release of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6885. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 41 Gallon Cans of a Product Purporting to Be Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 9375. I. S. No. 13670-r. S. No. E-1129.)

On October 3, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 41 gallon cans of a product purporting to be olive oil, consigned on or about June 11, 1918, remaining unsold in the original unbroken packages at North Adams, Mass., alleging that the article had been shipped by J. S. Perides, New York, N. Y., and transported from the State of New York into the State of Massachusetts, charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the labels bore a statement which was false and misleading, that is to say, the statement that it was Italian olive oil compounded with cottonseed oil, whereas it was not Italian olive oil, but was wholly cottonseed oil; and for the further reason that by manner of display it led the purchaser to believe that it was a foreign product, when, in truth and in fact, it was a product of domestic manufacture. Misbranding of the article was alleged 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 in terms of weight, measure, or numerical count.

On January 10, 1919, no claimant having appeared for the property, and only twenty-nine gallon cans of said product having been found and seized by the marshal, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be properly branded, denoting that the contents consisted almost wholly of cottonseed oil instead of olive oil, and should be sold at public auction by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6886. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 70 Half-gallon Cans of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 9379. I. S. No. 12519-r. S. No. E-1128.)

On October 7, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 70 half-gallon cans of a product purporting