

**7102. Misbranding of Fruit-a-tives. U. S. \* \* \* v. 204 Packages of Fruit-a-tives. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9455. I. S. No. 12535-r. S. No. E-1156.)**

On November 15, 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 204 packages, consigned on October 21, 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 from a previous shipment 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 packages and labels thereof bore certain statements, designs, and devices, regarding the article and the ingredients and substances contained therein, that is to say, the words "'Fruit-a-tives' 'Fruit Liver Tablets'", together with designs on the carton labeling 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 fact, said laxative properties were due to the presence of aloes and nux vomica in the article. Misbranding of the article was alleged in substance for the further reason that the packages and labels thereof bore certain statements regarding the curative and therapeutic effects of the article, that is to say, "Strengthens the Stomach and Liver, Stimulates the Kidneys, Tends to Purify the Blood, Tones up the Nervous System, Relieves Recurring Headaches, Dizziness, Backache. Fruit-a-tives is an Effective Remedy \* \* \* and has a Distinct Remedial action on the Stomach, Bowels, Kidneys, Skin, and Nervous system. \* \* \* In Indigestion, Kidney Irritation, Skin Diseases, Headaches, Backaches, Sleeplessness, Pelvic Pains, Nervous Depression and Blood Impurities. Fruitatives is very beneficial and highly recommended for Indigestion or Dyspepsia, Fruitatives will materially aid in relieving this disease Rheumatism," which said statements were false and fraudulent in that the article was incapable of producing the curative and therapeutic effects claimed for it.

On November 17, 1918, Gilman Bros. (Inc.), Boston, Mass., claimant, having filed a good and sufficient bond in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

E. D. BALL,  
*Acting Secretary of Agriculture.*

**7103. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 9 Cases of So-Called Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9701. I. S. Nos. 13831-r, 13832-r. S. No. E-1241.)**

On February 13, 1919, the United States attorney for the District of New Jersey, 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 9 cases, each containing 12 1-gallon cans of so-called olive oil, consigned by A. Dimino, New York, N. Y., remaining unsold in the original unbroken packages at Phillipsburg, N. J., alleging that the article had been shipped on or about January 27, 1919, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the cans were labeled in part, "Finest Quality Olive Oil Extra Pure, of Termini Imerese, Italy Sicilia Italia \* \* \* Guaranteed Absolutely Pure (picture of olive tree)." A portion were labeled in part, "Vergine. This olive oil is guaranteed to be absolutely pure and is made from the finest selected olives grown on the Italian Riviera. This Vergine oil is highly recommended for medicinal and table use \* \* \*."

Adulteration of the article was alleged for the reason that it purported to be pure olive oil produced in Italy, when, in fact, it consisted wholly or in part of cottonseed oil, which had been substituted for olive oil. It was further alleged that the article in the cans labeled "Vergine" olive oil was sold under a name recognized in the United States Pharmacopœia, and differed from the standard described by that authority, and its own standard was not stated upon the label.

Misbranding of the article was alleged in substance for the reason that the statements, designs, and devices borne on the labels and in the circulars, regarding the article and the ingredients and substances contained therein, were false and misleading in that they indicated to the purchaser that the packages contained olive oil, when, in fact, they did not; and for the further reason that it purported to be olive oil when, as a matter of fact, it consisted largely or wholly of cottonseed oil; and for the further reason that it purported to be a foreign product, when not so; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was falsely branded as to the country in which it was produced.

On June 14, 1919, the said A. Dimino, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the product should be repacked and relabeled under the supervision of a representative of this department.

E. D. BALL,  
*Acting Secretary of Agriculture.*

**7104. Adulteration and misbranding of Orange Jooj. U. S. \* \* \* v. 5 Barrels of Orange Jooj. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9702. I. S. No. 6129-r. S. No. C-1062.)

On February 13, 1919, the United States attorney for the Eastern District of Louisiana, 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 5 barrels of Orange Jooj, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the product had been shipped on or about October 7, 1918, by the Orange Julep Co., St. Louis, Mo., and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Sirup Orange Jooj 'Its Cloudy'".