

Nicholas Cosentino, Detroit, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 4, 1918, from the State of Michigan into the State of Illinois, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part, "Italy Pure Olive Oil * * * Lucca Toscana * * * Olio d'Oliva."

Analysis of a sample of the product made in the Bureau of Chemistry of this department showed that it contained a considerable proportion of cottonseed oil.

Adulteration of the article was alleged in the information for the reason that cottonseed oil had been substituted in part for olive oil, which the article purported to be, and had been mixed and packed with the article so as to lower, reduce, and injuriously affect its strength, purity, and quality.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Italy Pure Olive Oil," "Olio D'Oliva," "Lucca Toscana," together with the designs and devices of an Italian coat of arms and of medals appearing thereon, were false and misleading, and deceived and misled the purchaser in that they represented to purchasers that the same was olive oil and a foreign product, whereas, in fact and in truth, the said article was not olive oil, but consisted in part of a domestic product, and was not olive oil, nor was the same wholly a foreign product.

On January 9, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

7712. Misbranding of dairy feed. U. S. * * * v. Omaha Alfalfa Milling Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 11121. I. S. Nos. 11055-r, 11056-r.)

On March 5, 1920, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Omaha Alfalfa Milling Co., a corporation, alleging shipment by the said defendant company, in violation of the Food and Drugs Act, on or about July 19, 1918, and February 6, 1918, from the State of Nebraska into the State of Michigan, of quantities of dairy feed which was misbranded. The article was labeled in part, "Beauty Dairy Feed * * * Guaranteed Analysis Protein 24 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the shipment of July 19 contained 21.6 per cent of protein, and that the shipment of February 6 contained 20.7 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement "Protein 24 per cent" was false and misleading and deceived and misled the purchaser, in that it represented to the purchaser of said article that the same contained not less than 24 per cent of protein, whereas, in fact and in truth, the said article did contain less than 24 per cent of protein.

On April 5, 1920, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

7713. Misbranding of Lung Vita. U. S. * * * v. 6 Dozen Large Bottles and 3 Dozen Small Bottles of Lung Vita. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11112. I. S. No. 7316-r. S. No. C-1431.)

On August 25, 1919, 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 for the seizure and condemnation of 6 dozen large bottles and 3 dozen small bottles of a drug, labeled in part "Lung Vita," remaining unsold in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the Nashville Medicine Co., Nashville, Tenn., and transported on or about July 10, 1919, from the State of Tennessee into the State of Indiana, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) "Lung Vita for Consumption and Bronchial Asthma. Directions Take teaspoonful before retiring for the first week, then two teaspoonfuls. Drink no water for two hours after. Alcohol 5%. Shake well before taking. Price \$1.00. This bottle contains 4 fluid ozs. Nashville Medicine Company, Nashville, Tenn. Shake Well Lung Vita. Lung Vita Mfg. by Nashville Medicine Company, Nashville, Tenn. For Asthma, Coughs, Colds Take Lung Vita Mfg. by Nashville Medicine Company, Nashville, Tenn.;" (back of bottle) "In cases of lung trouble * * * Lung Vita may also be used for coughs, colds, bronchial troubles and whooping cough * * *;" (circular) Lung Vita * * * Consumption and Lung Trouble * * * Take your medicine regularly. * * * Bronchial Asthma * * * Colds, Coughs, Whooping Cough, Grip, Croup and Bronchial Troubles. * * * take the medicine according to directions on the bottle * * *." (The large and small bottle labels were identical except as to the quantity of contents and price.)

Analysis of a sample of the product made by the Bureau of Chemistry of this department showed that it consisted essentially of kerosene, vegetable oils, sugar, glycerin, alcohol, a small amount of plant extractives, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the statements above quoted, regarding the curative and therapeutic effects of the article, were false and fraudulent in that the drug did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On January 2, 1920, no claimant having appeared for the property, a decree of condemnation and forfeiture was entered, and on February 24, 1920, it was ordered by the court that the product be destroyed by the United States marshal.

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

7714. Adulteration and misbranding of cocoa. U. S. * * * v. 528 Pounds of Alleged Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11111. I. S. No. 6773-r. S. No. C-1428.)

On August 22, 1919, 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 condemnation and forfeiture of 528 pounds of alleged cocoa, remaining unsold in the original unbroken packages at Streator, Ill., alleging that the article had been shipped on or about March 28, 1919, by the National Cocoa Mills, New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "My Own Pure Cocoa. Net weight $\frac{1}{2}$ lb." or " $\frac{1}{2}$ pound," as the case may be, "The Cocoa contained in this package is Positively High Grade and guaranteed by the manufacturers to comply with all Federal and State Food Laws. It is a breakfast cocoa of Superior Quality and Excellence. Absolutely Pure. No Alkalis. No Chemicals."

Adulteration of the article was alleged in the libel for the reason that starch and sugar had been mixed and packed with the article so as to reduce, lower,