

of the United States for said district 2 libels for the seizure and condemnation of 45 bottles and 2 dozen bottles, more or less, of a drug, labeled in part "Injection Malydor," remaining unsold in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped on or about May 3, 1919, and March 15, 1919, by the Malydor Mfg. Co., Lancaster, Ohio, and transported from the State of Ohio into the State of Indiana, and charging misbranding under the Food and Drugs Act, as amended.

Analysis of samples of the product made by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of boric acid, phenol, a zinc salt, acetanilid, glycerin, and a trace of unidentified alkaloid.

Misbranding of the article was alleged in substance in the libels for the reason that the statements appearing on the labels and in the circular accompanying the article, with respect to the curative and therapeutic effects of the article, falsely and fraudulently represented that the article was a treatment, remedy, and cure for diseases of the official passages as gonorrhœa, gleet, leucorrhœa, piles, syphilis, chancroids, soft chancres, nasal catarrh, constitutional catarrhal condition, gonorrhœa in women, acute gonorrhœa, and sub-acute or chronic gonorrhœa, whereas, in truth and in fact, it was not.

On January 2, 1920, no claimant having appeared for the property, default decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

7738. Misbranding of Cutler's Blood Pure Powders.* U. S. * * * v. Chester F. Cutler. Plea of guilty. Fine, \$250 and costs. (F. & D. No. 9782 I S. No. 11828-p.)

On or about July 29, 1919, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chester F. Cutler, Deep River, Iowa, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 10, 1918, from the State of Iowa into the State of Illinois, of a quantity of an article, labeled in part "Cutler's Blood Pure Powders," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the preparation was a gray powder containing large amounts of sulphur and charcoal, together with sand and asafetida.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, regarding the therapeutic and curative effects thereof, appearing on the labels of the boxes containing the article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for fistula, distemper, farcy, poll evil, and all blood and skin diseases, lump jaw, nasal gleet, epizootic, grease heel, rheumatism, distemper, pink eye, moonblindness, and for all the various blood and skin diseases of equine flesh, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements regarding the therapeutic and curative effects thereof, appearing in the circular accompanying said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for fistula, farcy, poll evil, moonblindness, nasal gleet, grease heel, and lump jaw of equines, for distemper, and for other blood and skin diseases, for barren mares and cows, for milk fever, caked udder, bloody and stringy milk, and retained afterbirth in cattle, rheumatism, epizootic, mange, and for mange and distemper of dogs, when, in truth and in fact, it was not.

On May 14, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$250 and costs.

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

7739. Adulteration and misbranding of so-called olive oil. U. S. * * * v. Accursio Dimino. Plea of guilty. Fine, \$75. (F. & D. No. 11973. I. S. No. 13832-r.)

On April 21, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Accursio Dimino, New York, N. Y.; alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on January 27, 1919, from the State of New York into the State of New Jersey, of a quantity of so-called olive oil which was adulterated and misbranded. The article was labeled, "First Pressing Cream Olive Oil One Gallon Full Measure Guaranteed First Pressing Cream Olive Oil. This olive oil is guaranteed to be absolutely pure and is made from the finest selected olives grown on the Italian Riviera. This virgin oil is highly recommended for medicinal and table use. Vergine Questo olio d'oliva, prodotto della riviera ligure, é garantito purissimo. É insuperabile sia per uso medicinale che per tavola."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted almost entirely of cottonseed oil and was short volume.

Adulteration of the article, considered as a drug, was alleged in substance in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation of said article, in that said Pharmacopœia provides that olive oil shall be obtained from the fruit of *olea Europœa*, whereas said article consisted in large part of cottonseed oil, and the standard of its strength, quality, and purity was not declared on the container thereof.

Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in large part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Olive Oil," "Absolutely Pure," "Made from the finest selected olives grown on the Italian Riviera," and "One Gallon Full Measure," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an article produced in the kingdom of Italy, and that each of said cans contained 1 full gallon of the article, 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 a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 full gallon thereof, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in large part of cottonseed oil; it was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, an article produced in the United States of America; and each of said cans did not contain 1 full gallon of the article, but did contain a less amount; for the further reason that said article was a mixture composed in large part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil;