

therewith so as to lower and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged in substance for the reason that the statements, to wit, "Pure Olive Oil" and "One Gallon Net," or "One Quart Net" or "Half Gallon Net" or "One Pint Net," as the case might be, not corrected by the statements in inconspicuous type "compound with," 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 pure olive oil, and that each of said cans contained 1 gallon net or 1 quart net or half gallon net or 1 pint net of the article, as the case might be, 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 pure olive oil, and that each of said cans contained 1 gallon net or 1 quart net or half gallon net or 1 pint net of the article, as the case might be, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and each of said cans did not contain 1 gallon or 1 quart or half gallon or 1 pint of the article, but did contain a less amount. 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.

On March 23, 1920, a plea of guilty to the information was entered on behalf of the defendant firm, and the court imposed a fine of \$30 and costs.

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

7778. Adulteration of evaporated milk. U. S. * * * v. Oatman Condensed Milk Co., a Corporation. Plea of guilty. Fine, \$25 and costs.
(F. & D. No. 11224. I. S. Nos. 5620-r, 5760-r, 5762-r.)

On December 31, 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 an information against the Oatman Condensed Milk Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 3, 1918, from the State of Illinois into the State of Iowa, and on or about November 15, 1918, and December 5, 1918, from the State of Illinois into the State of Missouri, of quantities of evaporated milk which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the same to be partially decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 23, 1920, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$25 and costs.

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

7779. Misbranding of olive oil. U. S. * * * v. Jay J. Gerber and Norman Gerber (R. Gerber & Co.). Plea of guilty. Fine, \$20 and costs.
(F. & D. No. 11124. I. S. Nos. 2566-r, 2567-r, 2570-r.)

On December 31, 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 an information against Jay J. Gerber and Norman Gerber, trading as R. Gerber & Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 12, 1918, and November 3, 1918, from the State of Illinois into the State of Colorado, of quantities of olive oil which was misbranded. The two brands of the article were labeled in part, respectively, "Ottimo Virgin Olive Oil Contents 1 Gal. Net" or "Contents $\frac{1}{2}$ Gal. Net" or

"Contents 1 Quart" and "1 Gal. Net" or " $\frac{1}{2}$ Gal. Net" or " $\frac{1}{4}$ Gal. Net" "High Grade Winter Pressed Black Diamond Brand Cotton Seed Salad Oil."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the cans were short volume.

Misbranding of the article was alleged in substance in the information for the reason that the statement appearing on the label of the article, to wit, "Contents 1 Gal. Net" or "Contents $\frac{1}{2}$ Gal. Net" or "Contents 1 Quart" or "1 Gal. Net" or " $\frac{1}{2}$ Gal. Net" or " $\frac{1}{4}$ Gal. Net," was false and misleading in that it represented to purchasers of the article that each of the cans contained not less than 1 gallon or $\frac{1}{2}$ gallon or 1 quart of the article, as the case might be, and for the further reason that it was labeled and branded as aforesaid so as to mislead the purchasers into the belief that each can thereof contained not less than 1 gallon, $\frac{1}{2}$ gallon, or 1 quart of the same, as the case might be, whereas, in fact and in truth, each can contained less than 1 gallon or $\frac{1}{2}$ gallon or 1 quart thereof. 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 thereof in terms of weight, measure, or numerical count.

On March 23, 1920, a plea of guilty to the information was entered on behalf of the defendant firm, and the court imposed a fine of \$20 and costs.

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

7780. Misbranding of Valesco. U. S. * * * v. 46 Bottles * * * of Drugs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11829. I. S. No. 8549-r. S. No. C-1650.)

On December 26, 1919, the United States attorney for the Northern District of Iowa, 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 46 bottles, more or less, of drugs labeled "Valesco," remaining unsold at Cedar Rapids, Iowa, alleging that the article had been shipped on or about October 26, 1919, by the Alhosan Co., St. Louis, Mo., and transported from the State of Missouri into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of sodium hypophosphite, creosote, and sugar.

Misbranding of the article was alleged in substance in the libel for the reason that the following statement regarding its curative and therapeutic effects, appearing on the label, "* * * For the Treatment of Tuberculosis, Asthma, * * * Pneumonia and Pulmonary Affections * * * Dosage * * * as gravity of case demands * * *," was false and fraudulent, since said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 9, 1920, 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.

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

7781. Misbranding of Santal Pearls. U. S. * * * v. 69 Bottles and 33 Bottles * * * Santal Pearls * * *. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 10660, 10661. I. S. Nos. 2396-r, 2398-r. S. No. W-432.)

On June 26, 1919, 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 libels for the seizure and condemna-