

Misbranding of the article was alleged in substance in the libel for the reason that the statement on the cartons containing the small bottles of the article, to wit, "Net weight twelve ounces," was false and misleading inasmuch as the quantity of the contents of each of the bottles was from 8.55 to 9 ounces; for the further reason that the statement in the booklet pertaining to and accompanying the article, namely, "Milks Emulsion contains a great amount of fat," was false and misleading since the article contained no fat; and for the further reason that the bottle label contained certain statements regarding the curative and therapeutic effects of the article, to wit, "A valuable remedy for dyspepsia, indigestion, catarrh of stomach and bowels * * * bronchial asthma, catarrhal croup, bronchitis * * * especially beneficial in incipient consumption," which were false and fraudulent inasmuch as the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 1, 1919, 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.*

S487. Adulteration of salmon. U. S. * * * v. 721 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11526. I. S. Nos. 8188-r, 6567-r. S. No. C-1604.)

On November 25, 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 seizure and condemnation of 721 cases, each containing 4 dozen cans of salmon, at Chicago, Ill., alleging that the article had been shipped by Libby, McNeill & Libby, from Minneapolis, Minn., April 12, 1919, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Libby's Red Alaska Salmon."

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

On May 13, 1920, Libby, McNeill & Libby, Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article be sorted under the supervision of a representative of this department, the bad portion to be destroyed by the United States marshal and the good portion to be delivered to said claimant.

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

S488. Misbranding of peaches (in baskets). U. S. * * * v. Dalton B. Anderson. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 11992. I. S. No. 9101-r.)

On April 19, 1920, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dalton B. Anderson, Ozark, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 26, 1919, from the State of Arkansas into the State of Illinois, of a quantity of an article, billed as peaches, which was misbranded. The article bore no label.

Misbranding of the article was alleged in the information for the 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.

On April 29, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

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

S489. Misbranding of olive oil. U. S. * * * v. Gabriel Carbateas and Nicholas S. Monahos (N. S. Monahos). Pleas of guilty. Fine, \$100. (F. & D. No. 11993. I. S. No. 11929-r.)

On July 30, 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 Gabriel Carbateas and Nicholas S. Monahos, copartners, trading as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 3, 1919, from the State of New York into the State of Ohio, of a quantity of olive oil which was misbranded. The article was labeled in part, "Monaho's Olio di Oliva Puro Termini Imerese."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 1 Gallon," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the cans contained 1 gallon net 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 each of the cans contained 1 gallon net of the article, whereas, in truth and in fact, each of the cans did not contain 1 gallon net, 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 August 18, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

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

S490. Adulteration of butter. U. S. * * * v. 65 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11057. I. S. No. 7733-r. S. No. C-1409.)

On or about August 26, 1919, the United States attorney for the Northern 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 a libel for the seizure and condemnation of 65 tubs of butter, at Troy, N. Y., alleging that the article had been shipped by the R. E. Cobb Co., St. Paul, Minn., July 28, 1919, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that the article was deficient in butter fat and contained an excess of moisture.

On October 20, 1919, the R. E. Cobb Co., St. Paul, Minn., claimant, having entered an appearance without denying or contraverting the material allegation of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

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