

State of New Mexico, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that Spanish olive oil had been substituted wholly or in part for Italian olive oil, which the article purported to be.

Misbranding was alleged in substance for the reason that the labels on the cans containing the article bore the following statements regarding the contents of said cans, to wit, "Olive Oil Superfine, Gaetano Giurlani Brand, Medaglie D'Oro Esposizioni Internaz Milano Torino, Olio Soprafino Puro D'Oliya Garantito Sotto Qualunque," which said statements were false and misleading and deceived and misled the purchaser into believing that the contents of said cans were pure Italian olive oil, whereas, in truth and in fact, the contents of the said cans were not pure Italian oil, but were Spanish olive oil.

On November 25, 1919, A. Giurlani & Bros., San Francisco, Calif., having entered an appearance as claimant of the goods and petitioned the court for a dismissal of the cause, and having paid the costs of the proceedings and executed bond in the sum of \$170.70, in conformity with section 10 of the act, it was ordered by the court that the libel be dismissed and that the goods be delivered to said claimant after they had been relabeled.

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

8559. Misbranding of Gray's Ointment. U. S. * * * v. 71 Dozen Boxes of W. F. Gray's Genuine Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10919. I. S. No. 15545-r. S. No. E-1640.)

On or about August 8, 1919, the United States attorney for the Eastern District of Virginia, 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 71 dozen boxes of W. F. Gray's Genuine Ointment, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by W. F. Gray & Co., Nashville, Tenn., on or about July 19, 1919, and transported from the State of Tennessee into the State of Virginia, 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 linseed oil, saponifiable fat, beeswax, turpentine, and lead salts.

Misbranding of the article was alleged in substance in the libel for the reason that the circular accompanying the package containing the article bore the following statements, regarding the curative and therapeutic effect thereof, to wit, "Gray's Ointment * * * For the relief of Mercurial and other Ulcers of long or short standing; * * * Scrofulous and other Tumors, including White Swellings, Sore Legs * * * Old or Fresh Wounds, Gunshot Wounds, * * * Swellings and Inflammations of all kinds; Rheumatic and other Pains; Scalds and Burns * * * Tetter on the head or any other part of the body; * * * Carbuncles, Cancerous Affections, Gangrene, Eruptions of all kinds * * * Dog, Snake, Spider, and other Poisonous Bites; Broken Breasts, Sore Nipples, * * * Weak Loins, Limbs, Muscles, Injured Spine, Sore Eyes, Swellings of all kinds; * * * Sore Throat * * * in Pleurisy and Pneumonia, it is unequalled; * * * Wind Galls, Sore Back, Cracked Heel, Fistula, and in fact almost every other External disease that afflicts man or brute. * * * For an Ulcer, Tumor or Eruption * * * In early stages of Inflammatory Rheumatism and Soreness about the Breast * * *," which said statements were false and fraudulent in that the said article did

not contain any of the ingredients or combination of ingredients capable of producing the effect claimed.

On October 15, 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.*

8560. Misbranding of Gillen's Cholera Remedy. U. S. * * * v. 8 Cases of Gillen's Cholera Remedy. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11090. I. S. No. 9417-r. S. No. C-1418.)

On August 15, 1919, the United States attorney for the Eastern District of Missouri, 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 8 cases (6 containing 12 quart bottles each, 2 containing 24 pint bottles each) of Gillen's Cholera Remedy, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Gillen Remedy Co., Atlanta, Ga., on or about March 5, 1919, and transported from the State of Georgia into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Gillen's Hog Remedy for hogs and chickens * * * for hogs when afflicted with cholera * * * as a preventative for cholera and to remove worms and as a general tonic. * * * for fowls when afflicted with cholera, sorehead and roup, and white diarrhoea in little chicks * * * preventative for cholera, sorehead and roup * * *."

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 saponified tar oil and sodium sulphate.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the Food and Drugs Act, as amended, for the reason that the preceding statements, regarding the curative and therapeutic effects thereof, were false and fraudulent.

On September 22, 1920, the United Stock Remedies Co., Atlanta, Ga., claimant, having 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 \$200, in conformity with section 10 of the act, conditioned in part that the goods be relabeled according to law.

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

8561. Misbranding of olive oil. U. S. * * * v. 15 Gallon Cans, 42 Half-gallon Cans, and 88 Quart Cans of Olive Oil. Judgment of dismissal. Product released on bond. (F. & D. No. 11141. I. S. No. 2965-r. S. No. W-476.)

On August 30, 1919, the United States attorney for the District of New Mexico, 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 15 gallon cans, 42 half-gallon cans, and 88 quart cans of olive oil, remaining unsold in the original unbroken packages at Albuquerque, N. M., consigned by A. Giurlani & Bros., San Francisco, Calif., alleging that the article had been shipped on July 5, 1919, and transported from the State of California into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the cans containing the article bore certain state-