

8790. Misbranding of Mother's self-rising flour, medium grits, and Mountain City Mills flour. U. S. * * * v. Mountain City Mill Co., a Corporation. Count 7 dismissed by agreement. Counts 2, 4, 6, 9, and 11 dismissed by the court. Trial of remaining counts before the court and a jury. Verdict of guilty on Counts 1, 8, and 10. Fine, \$300. Verdict of not guilty on Counts 3 and 5. (F. & D. No. 8522. I. S. Nos. 3211-m, 3212-m, 3213-m, 3214-m, 3216-m.)

On March 21, 1917, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 11 counts against the Mountain City Mill Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Tennessee into the State of Georgia, on or about March 16, 1917, of quantities of Mother's self-rising flour and Mountain City Mills flour, and on or about March 20, 1917, of a quantity of medium grits which were misbranded. The articles were labeled in part, "Mother's Pure Wholesome Self-Rising Flour * * * Mountain City Mill Co., Chattanooga, Tenn. * * * 24 Lbs. when packed," "96 Lbs. Medium Grits * * * Mountain City Mills Chattanooga, Tenn.," and "Mountain City Mills Flour * * * Mountain City Mills * * * 24 Lbs."

Examination of samples by the Bureau of Chemistry of this department showed the average net weight of the articles to be as follows: Self-rising flour (16 sacks), 23 pounds and 8.2 ounces; grits (23 sacks), 95 pounds and 6 ounces; and flour (24 sacks), 23 pounds and 11.2 ounces.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, in the case of the Mother's self-rising flour, "24 Lbs. when packed," in the case of the medium grits, "96 Lbs.," and in the case of the Mountain City Mills flour, "24 Lbs.," borne on the sacks containing the articles, regarding the articles, were false and misleading in that they represented that said sacks contained 24 pounds or 96 pounds, as the case might be, of the respective articles; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said sacks contained 24 pounds or 96 pounds, as the case might be, of the respective articles, whereas, in truth and in fact, said sacks contained a less amount.

On June 19, 1920, Count 7 of the information having been dismissed by agreement, the case came on for trial before the court and a jury. Counts 2, 4, 6, 9, and 11 were dismissed by the court as being duplicates of remaining counts and the case was submitted to the jury on Counts 1, 3, 5, 8, and 10. After due deliberation the jury returned a verdict of guilty to Counts 1, 8, and 10 of the information and not guilty to Counts 3 and 5, whereupon the court imposed a fine of \$300.

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

8791. Misbranding of Anti-Pneumonia. U. S. * * * v. John B. Cox. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 8611. I. S. No. 10520-m.)

On July 6, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John B. Cox, Maryville, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 6, 1917, from the State of Missouri into the State of Iowa, of a quantity of Anti-Pneumonia which was misbranded. The article was labeled in part; "Anti-Pneumonia * * * Manufactured and sold by John B. Cox, Maryville, Missouri."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a brownish-black, viscid semi-liquid of empyreumatic odor, containing chiefly wood tar, mineral matter similar to talc, and a small amount of glycerin.

Misbranding of the article was alleged in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and cartons and in the leaflet accompanying the article, falsely and fraudulently represented it to be effective as a remedy and cure for bronchitis, congestion of the lungs, acute, inflammatory, and articular rheumatism, suppressed menstruation, and all inflammatory conditions, as a remedy for pneumonia, typhoid fever, tonsillitis, diphtheria, grip, croup, tuberculosis, whooping cough, lumbago, carbuncle, pleurisy, headlitis, and measles, as a cure for pneumonia fever, if taken in time as an absolute cure for all forms of tuberculosis, as an absolute cure for pneumonia fever, as a treatment and remedy for all forms of tuberculosis, and as a preventive of tuberculosis, when, in truth and in fact, it was not.

On September 22, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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

S792. Adulteration and misbranding of olive oil. U. S. * * * v. John D. Ravazulas [Ravazula] and Lyssandros D. Ravazulas [Ravazula] (Ravazulas [Ravazula] Bros.). Plea of guilty. Fine, \$75. (F. & D. No. 9504. I. S. No. 14812-r.)

On March 5, 1919, 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 John D. Ravazulas [Ravazula] and Lyssandros D. Ravazulas [Ravazula], co-partners, trading as Ravazulas [Ravazula] Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about May 29, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article purporting to be olive oil, which was adulterated and misbranded. The article was labeled, (can) "Net Contents $\frac{1}{2}$ gallon Prodotti Italiana Olio Di Oliva Pure Olive Oil Sopraffino Italia Brand Trade Mark Lucca Toscana Italia."

Examination of the article by the Bureau of Chemistry of this department showed it to consist almost entirely of cottonseed oil and to be short measure.

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

Misbranding was alleged for the reason that the statements, designs, and devices regarding the article and the ingredients and substances contained therein, borne on the label, to wit, "Prodotti Italiani Olio Di Oliva Pure Olive Oil Sopraffino Italia Brand Trade Mark Lucca Toscana Italia" and "Net Contents $\frac{1}{2}$ gallon," were false and misleading in that they purported and represented the article to be a pure olive oil produced in the kingdom of Italy, and the net contents of said packages to be $\frac{1}{2}$ gallon, whereas, in truth and in fact, the article was not a pure olive oil and was not produced in the kingdom of Italy, but was a mixture composed in part of cottonseed oil, and the net contents of said packages were less than $\frac{1}{2}$ gallon; 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 pure olive oil produced in the kingdom of Italy, whereas, in truth and in fact, it was not a pure olive oil and was not produced in the