

10224. Misbranding of olive oil. U. S. * * * v. 5 Cans * * * of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15017. Inv. No. 35354. S. No. E-3407.)

On July 2, 1921, the United States attorney for the District of Massachusetts, 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 5 cans of olive oil, remaining unsold at Lawrence, Mass., alleging that the article had been shipped by the Italy Commercial Co., New York, N. Y., on or about May 21, 1921, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Net Contents 5 Gallons Spanish Virgin Olive Oil * * *."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents 5 Gallons," borne on the cans containing the said article, regarding the quantity of the article contained in the said cans, was false and misleading, since none of the said cans contained 5 gallons 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 the said cans each contained 5 gallons net of the said article, whereas, in truth and in fact, the said cans did not contain 5 gallons net of the article, but contained a less quantity. 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, since the quantity stated thereon was greater than the actual contents of the said package.

On November 14, 1921, 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 sold by the United States marshal in packages properly branded to show the correct measure of the contents thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10225. Misbranding of Bristol's sarsaparilla compound and Kemp's Anacahuita pectoral compound. U. S. * * * v. 8 Dozen Bottles of * * * Bristol's Sarsaparilla Compound, et al. Decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 14973, 14978, 15029, 15032. I. S. Nos. 10704-t, 10705-t, 10706-t, 10707-t, 10709-t. S. Nos. W-963, W-965, W-970, W-971, W-972.)

On June 2, 3, and 7, 1921, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 9½ dozen bottles of Bristol's sarsaparilla compound and 38 dozen bottles of Kemp's Anacahuita pectoral compound, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Lanman & Kemp, Inc., New York, N. Y., alleging that the articles had been shipped from New York, N. Y., between the dates of April 14, 1920, and May 5, 1921, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the Anacahuita pectoral compound was labeled in part: (Wrapper, English, Spanish, and French; bottle label, English and Spanish) "* * * highly esteemed for its efficacy in Coughs, Throat and Bronchial Affections * * *"; (circular, Spanish) "* * * Highly appreciated * * * for the good effects * * * in catarrhs of the chest, coughs, and bronchial affections. It can be recommended with confidence as a means of arresting these diseases, especially in the incipient period. * * * Pulmonary consumption, phthisis, tuberculosis * * * from the very moment that the cough first appears, take Kemp's Pectoral Anacahuita Compound * * * Catarrh * * * epidemic catarrh or influenza * * * The use of Kemp's Anacahuita Pectoral Compound * * * bronchitis * * * is recommended * * * in chronic bronchitis of old persons or those addicted to intemperance when accompanied by a cough and habitual irritation, copious expectoration, loss of strength, purulent sputa, cough more severe at night and hectic night sweats * * * as a comforting and calming alleviator * * * Whooping cough or convulsive cough, in this disease which is so common in childhood. The continual use of Kemp's Anacahuita Pectoral Compound will have a beneficial tendency to reduce the violence of the cough * * * asthma * * * Take Kemp's Anacahuita Compound * * * Pleurisy * * * The free use of Kemp's Anacahuita Pectoral Compound * * * Croup. This disease is marked by the inflammation of the upper part of the throat or in a form known as membranous croup by the growth