

Aphrodisiac * * * Useful In Nervous Debility. * * * 'For General Weakness * * *' were false and fraudulent in that the said statements were applied to the articles so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the said articles were effective as treatments and remedies for the diseases mentioned therein, whereas, in truth and in fact, they contained no ingredients or combination of ingredients capable of producing the effects claimed.

On December 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

10244. Adulteration and misbranding of alleged olive oil. U. S. * * * v. 10 Gallons of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15376. I. S. No. 5091-t. S. No. E-3517.)

On or about August 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 10 gallons of a product purporting to be olive oil, remaining in the original unbroken packages at Fall River, Mass., consigned on or about June 4, 1921, alleging that the article had been shipped by the Armenian Importing Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of cottonseed oil, which had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not olive oil.

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 a package properly branded to show the said product to be cottonseed oil.

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

10245. Adulteration and misbranding of noodles. U. S. * * * v. 10 Boxes, 14 Boxes, and 28 Boxes of Noodles. Default decrees of condemnation and forfeiture. Product delivered to the Salvation Army for consumption and not for sale. (F. & D. Nos. 15417, 15417-a. I. S. Nos. 15428-t, 15429-t. S. No. E-3597.)

On October 19 and 21, 1921, respectively, 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 libels for the seizure and condemnation of 10 boxes, 14 boxes, and 28 boxes of noodles, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Cleveland Macaroni Co., Cleveland, Ohio, on or about November 4, 1920, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled "Fine Egg Noodles." The remainder of the article was labeled in part: "* * * Excellenza Brand High Grade Durum Flour Noodles * * * The Cleveland Macaroni Co. * * * Cleveland, Ohio Contain Egg * * *."

Adulteration of the article was alleged in substance in the libels for the reason that a substance, water noodles, had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged with respect to a portion of the article for the further reason that it was mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels of the said article bore the statements, respectively, "* * * Noodles * * * Contain Egg" and "Fine Egg Noodles," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article. Misbranding was alleged with respect to the portion of the article labeled "Fine Egg Noodles" for the further reason