

and condemnation of 700 cases of canned salmon, at Spartanburg, S. C., alleging that the article had been shipped on or about December 22, 1919, by the Burke Fish Co., Portland, Oreg., and transported from the State of Oregon into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sno-Crest Brand Pink Salmon Packed By Burke Fish Co. \* \* \*"

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

On July 23, 1921, the matter having come on for hearing before the court and a jury, after the submission of evidence, the jury found by its verdict that the product was filthy and decomposed as alleged in the libel, and thereupon the court entered its order condemning the product and ordering its destruction by the United States marshal.

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

**10454. Adulteration and misbranding of oil of birch. U. S. \* \* \* v. One Can \* \* \* of Oil of Birch. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14445. I. S. No. 6264-t. S. No. E-3128.)

On February 14, 1921, 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 a libel for the seizure and condemnation of one can of oil of birch, remaining unsold in the original unbroken package at New York, N. Y., alleging that the article had been shipped by T. J. Ray, from Newland, N. C., on or about February 3, 1921, and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "\* \* \* from T. J. Ray Medicinal Crude Drugs and Essential Oils, Newland, North Carolina." The said article was invoiced as "True Natural Oil Sweet Birch."

Adulteration of the article considered as a drug was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the pharmacopœial standard of strength, quality, and purity, as determined by the test laid down in the said pharmacopœia, official at the time of investigation, and in that its own standard of strength, quality, and purity was not plainly stated upon its container; and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article considered as a food was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with, and substituted in part for, the article.

Misbranding of the article considered as a food was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On March 15, 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 destroyed by the United States marshal.

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

**10455. Misbranding of olive oil. U. S. \* \* \* v. 233 Cans \* \* \* of Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. Nos. 15397, 15398, 15399. I. S. Nos. 11151-t, 11152-t, 11153-t, 11154-t, 11155-t, 11156-t, 10999-t, 11000-t. S. No. W-1014.)

On September 29, 1921, the United States attorney for the District of Wyoming, 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 233 cans of olive oil, remaining unsold in the original unbroken packages at Cheyenne, Wyo., consigned by Deligiannis Bros., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about July 13 and 27, 1921, respectively, and transported from the State of Illinois into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents One Gallon" (or "Two Quarts," "One Quart," or "One Pint") "Pure Olive Oil, Universal Brand Deligiannis Bros., Chicago, U. S. A."

Misbranding of the article was alleged in substance in the libel for the reason that the statements upon the cans containing the article, to wit, "Net Contents One Gallon," "Net Contents Two Quarts," "Net Contents One Quart," or "Net Contents One Pint," as the case might be, were false and misleading,

and the said cans were so marked as to deceive and mislead the purchaser in that they purported to contain a full gallon, two quarts, one quart, or one pint, respectively, of the said article, whereas, in truth and in fact, the said cans did not contain a full gallon, two quarts, one quart, or one pint, respectively. 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 in terms of weight or measure.

On November 1, 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.

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

**10456. Adulteration and misbranding of chocolate liquor. U. S. \* \* \* v. Beacon Chocolate Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 15446. I. S. Nos. 8697-t, 8698-t.)**

On December 14, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Beacon Chocolate Co., a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 4, 1920, from the State of Pennsylvania into the District of Columbia, of a quantity of chocolate liquor which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained an excessive amount of cacao shells and that sand and grit were present.

Adulteration of the article was alleged in the information for the reason that foreign substances, to wit, cacao shells, sand, and grit, 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 chocolate liquor, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Lehigh. Liq. \* \* \* From. Beacon. Choc. Co.," borne upon the cases containing a portion of the article, and the statements, to wit, "No. 10 Special Liquor \* \* \* Lehigh. Liq. Brand. Pure Chocolate \* \* \* Frontier Chocolate Co. Manufacturers Of High Grade Chocolate And Cocoa Powder \* \* \* From Beacon Chocolate Co.," borne upon the cases containing the remainder of the said article, regarding the article and the ingredients thereof contained in the said cases, were false and misleading in that the said statements represented the article to be pure chocolate liquor, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure chocolate liquor, whereas, in truth and in fact, it was not a pure chocolate liquor but was a product composed in part of cacao shells, sand, and grit. Misbranding was alleged for the further reason that the article was a product composed in part of cacao shells, sand, and grit, prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, chocolate liquor.

On February 27, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**10457. Adulteration of pecans. U. S. \* \* \* v. 123 Sacks \* \* \* of Pecans. Consent decree providing for the release of the product on bond. (F. & D. No. 15866. I. S. No. 1246-t. S. No. C-3384.)**

On December 23, 1921, 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 123 sacks, each containing 60 pounds, more or less, of pecans, remaining unsold in the original unbroken sacks at St. Louis, Mo., alleging that the article had been shipped on or about December 8, 1921, by Lee Davis, Brunswick, Miss., and transported from the State of Mississippi into the State of Missouri, and charging adulteration 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 large part of a filthy, decomposed, and putrid vegetable substance.