

tained 10 pounds net of the article, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said pails contained 10 pounds net of the article, whereas, in truth and in fact, each of the said pails did not contain 10 pounds net of the article but did contain a less amount. 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.

On December 16, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

10532. Misbranding of Nervosex tablets. U. S. * * * v. 6 Packages of Nervosex Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14572. I. S. No. 8464-t. S. No. E-3149.)

On March 1, 1921, the United States attorney for the Western 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 6 packages of Nervosex tablets, remaining unsold in the original unbroken packages at Roanoke, Va., consigned June 23, 1920, alleging that the article had been shipped by the United Laboratories, East St. Louis, Ill., and transported from the State of Illinois 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 the pills contained zinc phosphid, a phosphate, an iron compound, and vegetable constituents, including material derived from nuxvomica.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements regarding the curative and therapeutic effects of the said article were false and fraudulent, in that it was stated upon the labels thereof that Nervosex tablets were a compound of nerve and muscle stimulants for low vitality, lack of energy, and sexual weakness, whereas, in truth and in fact, the said article would not produce the curative and therapeutic effects as claimed in said labels.

On August 16, 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.*

10533. Adulteration and misbranding of canned oysters. U. S. * * * v. 80 Cases of Pamlico Brand Oysters in Cans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14691. I. S. No. 11270-t. S. No. C-2799.)

On March 31, 1921, the United States attorney for the Middle District of Alabama, 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 80 cases of Pamlico Brand oysters in cans, remaining in the original unbroken packages at Dothan, Ala., alleging that the article had been shipped by the Crockett Packing Co., Washington, N. C., May 15, 1920, and transported from the State of North Carolina into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Pamlico Brand Oysters Contents 5 Oz. Packed By Crockett Packing Co. Washington, N. C."

Adulteration of the article was alleged in the libel for the reason that liquor, clam shells, oyster shells, and grass had been mixed and packed with and substituted wholly or in part for oysters. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in substance for the reason that the statement on the label of the can containing the said article, to wit, "Oysters * * * Contents 5 Oz.," together with the design of an oyster on half shell, was 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; and for the further reason that it was [food] in package form, and the quantity of

the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1922, 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.*

10534. Adulteration and misbranding of mustard. U. S. * * * v. 350 Cases of * * * Mustard. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14702. I. S. No. 10596-t. S. No. W-905.)

On April 6, 1921, the United States attorney for the District of Oregon, 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 350 cases of mustard, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Bayle Food Products Co., from Luther, Mo., August 2, 1920, and transported from the State of Missouri into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Six Ounces" (or "Nine Ounces") "Net Bayle Quality Horseradish Mustard. Bayle Food Products Co., St. Louis * * *"

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed with and substituted in part for the article and for the further reason that it was colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, "Prepared Mustard, Horse-radish, Mustard Seed, Vinegar, Salt and Spices with Turmeric," appearing on the labels of the jars containing the said article, were false and misleading and deceived and misled purchasers, since the said article contained added mustard hulls and did not contain sufficient quantity of horse-radish to justify the use of the word "Horse-radish" as an ingredient.

On February 11, 1922, the matter having come on for final disposition, 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.*

10535. Adulteration and misbranding of oil and olive oil. U. S. * * * v. 8 One-Fourth Gallon Tins * * * of Oil and 3 Gallon Tins * * * of Olive Oil * * *. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14894, 14895. I. S. Nos. 7102-t, 7104-t. S. No. E-3356.)

On May 16, 1921, the United States attorney for the District of New Jersey, 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 8 one-fourth gallon tins of oil and 3 gallon tins of olive oil, remaining in the original unbroken packages at Plainfield, N. J., alleging that the articles had been shipped by the Southern Olive Oil Co., New York, N. Y., on or about March 28, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The "Fabbrini Brand" bore a cut of foreign design, representing a bear standing with its fore paws on a tin of said oil, and also a representation of olive branches and on another part of the tin a foreign design of an Italian girl carrying olive branches and the statement in conspicuous type, "Fabbrini Brand $\frac{1}{4}$ Gallon Net," and the further statement in inconspicuous type, "Cotton Seed Flavored with Olive Oil." The "Caruso Brand" bore a representation of olive branches, showing ripe olives and a trade mark design, to wit, a representation of an urn and the statements, "Net Contents One Gallon Caruso * * * Puro Olio D'Oliua * * * Southern Olive Oil Co. Sole Agents * * * Product Of The Compagna Anonima Raffinerie Unite Susa-Oneglia Incorporated In The U. S. Of America Under The Name Of Southern Olive Oil Co. * * * This Can Contains The Best Olive Oil Ever Produced. * * *"

Adulteration of the articles was alleged in substance in the libels for the reason that certain substances, to wit, cottonseed oil and peanut oil with respect to the "Fabbrini Brand," and cottonseed oil with respect to the "Caruso Brand," had been mixed and packed with the said articles so as to reduce and lower and