

Misbranding of the article was alleged in substance in the libel for the reason that it was accompanied by a circular which bore the following statements regarding the curative effects of the said article, "DuBois Pills * * * Reliable Female Tonic and Regulator * * * a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills * * * a female tonic exerting helpful medicinal action over the female organs * * * of utmost value in assisting in the relieving of pain, due to leucorrhea, etc., and regulating the menses. * * * suppressed menstruation, painful menstruation * * * for leucorrhea. In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure * * * When the period is irregular," which said statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the said circular contained the statement that the said pills were purely vegetable, which statement was false and misleading, since the said pills were not purely vegetable, but were composed essentially of aloes, iron sulphate, calcium carbonate, and sugar.

On July 5, 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.*

10773. Misbranding of olive oil. U. S. v. 38 Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14975. I. S. No. 2344-t. S. No. C-3069.)

On June 1, 1921, the United States attorney for the District of Kansas, 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 38 cans of alleged olive oil, at Kansas City, Kans., alleging that the article had been shipped on or about April 30, 1921, by Deligiannis Bros., Chicago, Ill., and transported from the State of Illinois into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One quart * * * Pure Olive Oil (Trade Mark) * * * Universal Brand Deligiannis Bros. Chicago, U. S. A."

Misbranding of the article was alleged in substance in the libel for the reason that the quantity of the contents of the packages containing the article was not plainly and conspicuously marked on the outside of such packages, in that the packages did not contain 1 quart of olive oil as set out on the labels, and said labels were false and misleading.

On September 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 product be destroyed by the United States marshal.

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

10774. Misbranding of butter. U. S. v. Trinidad Creamery Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14999. I. S. No. 10815-t.)

On November 26, 1921, the United States attorney for the District of Colorado, 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 Trinidad Creamery Co., a corporation, Trinidad, Colo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 9, 1921, from the State of Colorado into the State of New Mexico, of a quantity of butter which was misbranded. The article was labeled in part: "None Nicer Brand Butter * * * One Pound Manufactured by Trinidad Creamery Co. Trinidad, Colo. * * *"

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 3 prints thereof was 15.24 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound," borne on the packages containing the article, regarding the said article, was false and misleading in that the said statement represented that each of said packages contained not less than 1 pound of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead a person into the belief that each of the said packages contained not less than 1 pound of the article, whereas, in truth and

in fact, each of said packages did not contain 1 pound of the said 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 June 21, 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.*

10775. Misbranding of Nonpareil food for hogs and Nonpareil food for stock. U. S. v. 38 Packages of Nonpareil Food for Hogs, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15019, 15024, 15142, 15144, 15145. S. Nos. E-3410, E-3414, E-3433, E-3455.)

On July 7, 8, 9, 20, and 22, 1922, respectively, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, libels for the seizure and condemnation of 86 packages of Nonpareil food for hogs and 76 packages of Nonpareil food for stock, remaining unsold at Washington, D. C., alleging that the articles had been shipped by E. T. Bready, Frederick, Md., between the dates of March 5, 1920, and May 21, 1921, and transported from the State of Maryland into the District of Columbia, and were being offered for sale and sold in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the food for hogs consisted essentially of wheat middlings, salt, charcoal, sulphur, red pepper, and a bitter drug such as gentian, and that the food for stock consisted essentially of ground wheat products, including a large amount of bran, approximately 12 per cent of salt, approximately 1 per cent of sulphur, charcoal, a bitter drug such as gentian, and an aromatic substance such as anise or fennel.

Misbranding of the articles was alleged in substance in the libels for the reason that the packages containing the said articles bore the following statements, regarding the curative and therapeutic effects of the respective articles, (food for hogs) " * * * prepared from purely vegetable ingredients, which * * * so thoroughly strengthen the entire system that the Hog Cholera microbe cannot find lodgment and will be thrown off without any harm to the animal. * * * Hog Cholera * * * the proper way is to invigorate the system by purely vegetable remedies, so that the microbe cannot find a lodging place in the system from which to do its deadly work. * * * 'Nonpareil Hog Food' will cure these milder forms, and, used as directed, will prevent Hog Cholera * * * One tablespoonful with slop for three hogs will prevent nearly all swine diseases. * * * A Specially Prepared Food which is a sure preventive of Cholera. * * * it will prevent hog cholera if fed regularly." (food for stock) " * * * It will prevent and cure disease in all domestic animals * * * Cows fed on this Food will give * * * Richer Milk * * * Preventing Foot and Mouth Diseases, Cholera, etc. * * * Calves * * * keeps them free from scour. * * * Horses * * * for Epizootic * * * Kidney or Liver Trouble * * * Influenza * * * Cows * * * Will increase the * * * richness of milk. * * * cattle * * * Prevents disease * * * Colts * * * Prevents mange * * * Calves * * * Prevents skin disease, scours, etc. * * * For Colic * * *," which statements were false and fraudulent since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. Misbranding was alleged in substance for the further reason that the statements appearing in the labeling of the so-called food for hogs, to wit, "This Food is prepared from Herbs, Seeds and Roots. It is prepared from purely vegetable ingredients. * * * All the ingredients composing this Food are * * * Herbs, Seeds and Roots. It contains no Mineral whatever except salt," and the statements appearing in the labeling of a portion of the so-called food for stock, to wit, "This food is prepared from herbs, seeds and roots. Purely vegetable. It contains no minerals whatever, except salt," were false and misleading in that all the ingredients composing the so-called food for hogs were not herbs, seeds, and roots, since it consisted essentially of wheat products, to wit, middlings, and a mineral substance in addition to salt, to wit, sulphur, and in that the so-called food for stock was not purely vegetable since it contained salt and sulphur.