

not orange filling, cherry filling, or pineapple filling, as the case might be, but were mixtures, artificially colored, largely composed of cornstarch, and which contained no egg or any orange juice, cherry juice, or pineapple juice, and which had no value as orange filling, cherry filling, or pineapple filling, as the case might be, for making pies, cakes, puddings, and desserts, and said articles did not conform to the Food and Drugs Act of June 30, 1906.

On December 2, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10871. Adulteration and misbranding of lemon pie filling. U. S. v. Wolverine Spice Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14925. I. S. Nos. 3455-t, 10274-t, 11527-t.)

On October 18, 1921, the United States attorney for the Western District of Michigan, 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 Wolverine Spice Co., a corporation, Grand Rapids, Mich., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about October 18, 1919, and May 24 and 29, 1920, from the State of Michigan into the States of Colorado, Indiana, and Minnesota, respectively, of quantities of lemon pie filling which was adulterated and misbranded. The article was labeled in part: (Packages) "The Quality Way Py-E-Ta * * * A Mixture for Making Lemon Pie and Other Desserts Net Weight 8 Ounces * * * Wolverine Spice Co. Grand Rapids, Michigan."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of cornstarch, citric acid, and corn sugar, flavored with lemon oil. A portion of the packages contained less than the quantity declared on the labels.

Adulteration of the article was alleged in the information for the reason that a mixture composed in large part of cornstarch, citric acid, and corn sugar, flavored with lemon oil, and which contained no eggs, had been substituted in whole or in part for a mixture for making lemon pie, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "A Mixture for Making Lemon Pie," "Guaranteed to make better pies than can be made from fresh lemons and contains in concentrated form the same ingredients as used by the housewife," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, and the statement, to wit, "Net Weight 8 Ounces," borne on a portion of the said packages, were false and misleading in that the said statements represented that the article was a mixture for making lemon pie, that it was a substitute for fresh lemons in making lemon pies, and that it contained the same ingredients as used by the housewife in making lemon pies, and that a portion of the said packages contained 8 ounces 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 it was a mixture for making lemon pie, that it was a substitute for fresh lemons in making lemon pies, and that it contained the same ingredients as used by the housewife in making lemon pies, and that a portion of the said packages contained 8 ounces net of the said articles, whereas, in truth and in fact, it was not a mixture for making lemon pies, was not a substitute for fresh lemons in making lemon pies, and did not contain the same ingredients as used by the housewife in making lemon pies, but was a mixture composed in large part of cornstarch, citric acid, and corn sugar, flavored with lemon oil and which contained no eggs and which had no value as a mixture for making lemon pies, and a portion of the said packages did not contain 8 ounces net weight of the article, but did contain a less amount.

On December 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10872. Misbranding of Savanol. U. S. v. 7 Dozen Bottles of Savanol. Default decree of condemnation and forfeiture. Product disposed of according to law. (F. & D. No. 15217. S. No. W-990.)

On July 19, 1921, the United States attorney for the Southern District of California, 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 7 dozen bottles of Savanol, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by G. P.

Steyh, St. Louis, Mo., on or about May 9, 1921, and transported from the State of Missouri into the State of California, 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 it consisted of capsules containing a saponifiable oil, with traces of savin oil, apiol, and aloin.

Misbranding of the article was alleged in substance in the libel for the reason that the leaflet accompanying the package containing the article bore the following statement, " * * * Take one Savanol * * * three or four days before the expected appearance of menstrual flow * * *," which statement was false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 11, 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 disposed of according to law.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10873. Adulteration and misbranding of oil. U. S. v. 41 Gallon Cans of Olivolo Brand Oil, et al. Default decrees of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. Nos. 15234, 15285, 15315. L. S. Nos. 7014-t, 7015-t, 7016-t, 7023-t, 7024-t, 7025-t. S. Nos. E-3466, E-3492, E-3542.)

On July 27, July 29, and August 16, 1921, respectively, the United States attorney for the Eastern District of New York, 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 87 gallon cans, 4 half-gallon cans, and 16 quart cans of oil, remaining unsold in the original unbroken packages at Brooklyn, N. Y., consigned on or about June 18, 1921, alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., and transported from the State of New Jersey 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 in part: "One Gallon" (or "One Half Gallon" or "One Quart") "Olivolo Brand Olio Per Insalata Come L'Olio D'Oliiva * * * Littauer Oil Co., Guttenberg, N. J." The remainder of the article was labeled in part: "Olio Puro Brand Olio Per Insalata Come L'Olio D'Oliiva."

Adulteration of the article was alleged in the libels for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that the said article had been mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels on the cans containing a portion of the article bore the following statements, "Olivolo Brand * * * Olio per Insalata Come L'Olio D'Oliiva * * * A Pure Salad Oil Blended with Olive Oil * * * Il Olivolo 'Olio' Viene Estratto da Vegetali Di Prima Qualita Con Metodi Perfezzionati: E'Iginici E'Perfettamente Nutrivo E'Salutifero Per Eccellenza * * * La Marca * * * Olivolo * * * 'Olio' One Gallon" (or "One Half Gallon" or "One Quart"), together with a design showing a draped flag, and the cans containing the remainder of the article bore the following statements, "Olio Puro Brand Olio Per Insalata Come L'Olio D'Oliiva * * * A Compound of Vegetable Oils Blended with Pure Olive Oil One Gallon," which statements, designs and devices, regarding the article and the ingredients and substances contained therein, together with the use of the Italian language, 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 a portion of the article for the further reason that it purported to be a foreign product when not so. Misbranding was alleged with respect to a portion of the article 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 packages.

On October 13, 1921, no claimant having appeared for the property, judgments of the court were entered condemning and forfeiting the product to the use of the United States. The product was delivered in part to the Salvation Army and in part to the Brooklyn Home for Children.

C. F. MARVIN, *Acting Secretary of Agriculture.*