

shipped by the Greek Products Importing Co., Chicago, Ill., between the dates of November 25 and December 30, 1921, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Victory Brand * * * Contents $\frac{1}{2}$ Gallon * * * " (or "Contents 1 Quart" or "Contents 1 Pint").

Misbranding of the article was alleged in substance in the libels for the reason that the labels on the respective-sized cans containing the article, to wit, "Contents $\frac{1}{2}$ Gallon," "Contents 1 Quart," and "Contents 1 Pint," were false and misleading, and deceived and misled the purchaser.

On June 14, 1922, no claimant having appeared for the property, judgments of the court were entered ordering that the product be sold by the United States marshal.

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

10877. Misbranding of flour. U. S. v. The Kansas Flour Mills Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 16004. I. S. No. 5060-t.)

On April 3, 1922, the United States attorney for the Western District of Missouri, 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 Kansas Flour Mills Co., a corporation, trading at Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about February 8, 1921, from the State of Missouri into the State of Massachusetts, of a quantity of flour which was misbranded. The article was labeled in part: "'The Final Argument' 24 $\frac{1}{2}$ Lbs. The Kansas Flour Mills Company. * * * Made-Rite Flour Kansas City, U. S. A. * * *."

Examination, by the Bureau of Chemistry of this department, of 130 sacks of the article showed that the average net weight of the sacks examined was 23.7 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "24 $\frac{1}{2}$ Lbs.," borne on the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of said sacks contained 24 $\frac{1}{2}$ pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive the purchaser into the belief that each of the said sacks contained 24 $\frac{1}{2}$ pounds of the said article, whereas, in truth and in fact, each of said sacks did not contain 24 $\frac{1}{2}$ pounds 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 May 27, 1922, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

10878. Misbranding of vegetable salad oil and olive oil. U. S. v. Reliable Importing Co., Inc., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 16236. I. S. Nos. 15481-t, 15482-t, 15483-t.)

On June 27, 1922, 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 an information against the Reliable Importing Co., Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Connecticut, on or about August 2 and 6, 1921, respectively, of quantities of olive oil, and on or about September 5, 1921, of a quantity of vegetable salad oil, all of which were misbranded. The articles were labeled in part, respectively: "Olio D'Oliiva Puro Importato Imported Pure Olive Oil Lucca Vapore-Marina Italia Brand Net Contents 1 Gal." (or "1 Quart"); "Contadina Brand Superior Quality Oil Vegetable Salad Oil * * * Net Contents 1 Gal. * * *."

Examination of the articles by the Bureau of Chemistry of this department showed that 12 cans of the so-called gallon size of olive oil had an average volume of 0.964 gallon, that 12 cans of the so-called quart size of olive oil had an average volume of 0.984 quart, and that 8 cans of the vegetable salad oil had an average volume of 0.965 gallon.

Misbranding of the articles was alleged in the information for the reason that the respective statements, to wit, "Net Contents 1 Gal." and "Net Contents

1 Quart," borne on the cans containing the articles, regarding the said articles, were false and misleading in that they represented that each of the said cans contained 1 gallon net, or 1 quart net, as the case might be, of the said articles, whereas, in truth and in fact, each of the said cans did not contain 1 gallon net or 1 quart net, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 17, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10879. Adulteration and misbranding of alimentary paste. U. S. v. 314 Cases of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16359. I. S. Nos. 17040-t, 17041-t, 17042-t, 17043-t. S. No. E-3887.)

On June 2, 1922, the United States attorney for the District of Maryland, 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 314 cases of alimentary paste, remaining in the original unbroken packages at Baltimore, Md., consigned on or about May 20, 1922, alleging that the article had been shipped by M. M. Talkin, Norfolk, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Carton) "Smith's Perfection Macaroni * * * Net Weight 16 Ozs. * * * Guaranteed * * * to conform with The U. S. Food and Drugs Act June 30, 1906. * * * Serial No. 14020 * * *." Another portion was labeled in part: (Shipping case) "25 Lbs. Bulk Net Weight Creamettes Elbow Macaroni * * *." The remainder of the article was unlabeled.

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

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "Guaranteed * * * to conform with The U. S. Food and Drugs Act. June 30, 1906 * * * Serial No. 14020 * * *," was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all of the said product for the 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, in that it was not correctly stated on some of the packages and not stated at all on others. Misbranding was alleged with respect to all the said product for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On July 17, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10880. Misbranding of Rawleigh's all-medicine hog mixture. U. S. v. 24½ Dozen Cans, et al, of Rawleigh's All-Medicine Hog Mixture. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12971. I. S. No. 3262-r. S. No. W-620.)

On June 24, 1920, the United States attorney for the Northern 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 24½ dozen cans, 6 pounds each, 94 pails, 25 pounds each, 34 pails, 40 pounds each, and 4 drums, 100 pounds each, of Rawleigh's all-medicine hog mixture, remaining in the original unbroken packages at Oakland, Calif., consigned by W. T. Rawleigh Co., Freeport, Ill., alleging that the article had been shipped from Freeport, Ill., between the dates of October 23, 1918, and April 14, 1920, and transported from the State of Illinois 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 essentially of a mixture of sodium thiosulphate, sodium phosphate, sodium bicarbonate, sodium sulphate, sodium chlorid,