

iron sulphate, potassium nitrate, calcium carbonate, sulphur, charcoal, buckthorn, and ginger.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, appearing on the labels of the cans, pails, and drums containing the same, and in the accompanying booklet, (cans) "To Prevent Disease. * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts * * * Even hogs so sick with Cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well * * * Hog Cholera and Swine Plague * * * it is recommended as especially useful to help overcome and prevent these diseases, and has been found helpful in restoring hogs to health in many cases where they gave practically every symptom of being afflicted with one or the other of these diseases * * * Use Enough To Do Some Good * * * The Mixture should be given regularly at least several weeks to obtain appreciable benefit * * * Give it a trial, a thorough test, and you will be unusually well pleased with the results * * *," (pails and drums) "Rawleigh's All-Medicine Hog Mixture * * * directions inside in ten different languages," (booklet, directions in English and foreign languages) "To Prevent Disease * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts * * * Even hogs so sick with cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 25, 1922, C. M. Cooper, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act, conditioned in part that the product be made to conform to the provisions of the said act, under the supervision of this department.

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

10881. Adulteration and misbranding of olive oil. U. S. v. 18 Quarts and 11 Half-Gallons, et al, of Olive Oil. Default decrees of condemnation, forfeiture, and destruction or sale. (F. & D. Nos. 13964 to 13969, incl. I. S. Nos. 6506-t to 6513-t, incl. S. Nos. E-2891 to E-2895, incl., E-2897.)

On November 29, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on January 13, 1921, amendments to said libels, praying the seizure and condemnation of 67 quarts, 29 half-gallons, and 31 gallons of olive oil, remaining unsold in the original unbroken packages, in part at Danbury, New Britain, Waterbury, Norwalk, Ansonia, and Derby, Conn., respectively, alleging that the article had been shipped by Poletti, Coda & Rebecchi, New York, N. Y., between the dates of September 11 and October 7, 1920, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels as amended for the reason that cottonseed and soya-bean oils had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the product purporting to be olive oil.

Misbranding was alleged in substance for the reason that the labels on the cans containing the article bore certain statements, designs, and devices regarding the article and the ingredients and substances contained therein, to wit, "Olio La Viva Italia Brand (Design) Superior in quality, economy and flavor to Olive Oil Fine Edible Salad Oil Blended with Pure Olive Oil—A Compound Packed in New York. Net Contents 1 Quart * * *" (or " $\frac{1}{4}$ Gallon") (or "1 Gallon"), which were so arranged as to type and location as to be false and misleading and to deceive and mislead the purchaser, in that they were and were intended to be of such a character as to induce the purchaser to believe that the said article was olive oil, when, in truth and in fact, it was not. 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, to wit, olive oil, and for the further reason that it was food in package form, and the quantity of the contents not plainly and conspicuously marked on the outside of the packages since the statements made thereon were not correct.

On October 10, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

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

10882. Misbranding of 999 nerve tonic. U. S. v. 10 Boxes of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14890. I. S. No. 8059-t. S. No. E-3250.)

On May 3, 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 a libel for the seizure and condemnation of 10 boxes of 999 nerve tonic, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by the Combination Remedy Co., Pittsburgh, Pa., on or about April 10, 1921, and transported from the State of Pennsylvania into the State of New Jersey, 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 phosphorus and extracts of nux vomica and damiana.

Misbranding of the article was alleged in substance in the libel for the reason that the statements on the label of the box containing the said article, to wit, "* * * Nerve Tonic * * * the best possible remedy for nervous disorder and lost vitality, no matter from what cause," were false and fraudulent in that the said statements were applied to the said article so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it possessed the curative and therapeutic qualities claimed, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 9, 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.*

10883. Adulteration and misbranding of tuna fish. U. S. v. Henry L. Stafford, Herbert S. Stafford, and Albert Wedum (The Stafford Packing Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 14940. I. S. Nos. 1-r, 13994-r.)

On September 20, 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 an information against Henry L. Stafford, Herbert S. Stafford, and Albert Wedum, trading as the Stafford Packing Co., Wilmington, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 28, 1919, from the State of California into the State of New York, of a quantity of canned tuna fish which was adulterated and misbranded. The article was labeled in part: (Cans) "De Luxe Brand Striped California Tuna * * * Packed by Stafford Packing Co. Wilmington, Cal."

Examination of the consignment by the Bureau of Chemistry of this department showed that a large number of the cans contained Bonita.

Adulteration of the article was alleged in the information for the reason that Bonita fish had been mixed and packed therewith, so as to lower and reduce and injuriously affect its quality and had been substituted in part for California striped tuna fish which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "California Striped Tuna," borne on the label attached to the cans containing the article, regarding the said article, was false and misleading in that the said statement represented that the article consisted wholly of California striped tuna fish, and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it consisted wholly