

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

The allegations in the libel with reference to the false and fraudulent statements as to the curative and therapeutic effect of the article, appearing in the labeling thereof, were substantially the same as those set forth in detail in Notice of Judgment No. 10515, to which reference is made. Misbranding was alleged in substance in the libel for the further reason that the statement on the bottle label and carton, "Alcohol 10% by Volume," was false and misleading and in that the package or label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On September 29, 1921, no claimant having appeared for the property, a decree of the court was entered ordering that the product be forfeited, confiscated, and condemned to the use of the United States. On October 10, 1921, the goods were destroyed.

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

10903. Misbranding of Lung Germine. U. S. v. 5 Packages of Lung Germine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15187. S. No. E-3442.)

On July 25, 1921, the United States attorney for the Northern 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 a libel for the seizure and condemnation of 5 packages of Lung Germine, at Albany, N. Y., alleging that the article had been shipped by the Lung Germine Co., from Jackson, Mich., on or about May 14, 1921, and transported from the State of Michigan into the State of New York, 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 sulphuric acid and water with small amounts of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

The allegations in the libel with reference to the false and fraudulent statements as to the curative and therapeutic effect of the article, appearing in the labeling thereof, and with reference to the false and misleading statement as to the alcohol content of the said article, appearing in the said labeling, were substantially the same as those set forth in detail in Notice of Judgment No. 9897, to which reference is made. Misbranding was alleged for the further reason that the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On September 30, 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.*

10904. Misbranding of salad oil. U. S. v. 45 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15340. I. S. No. 15423-t. S. No. E-3539.)

On August 8, 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 45 gallon cans of salad oil at Hoboken, N. J., alleging that the article had been shipped by I. Haber, New York, N. Y., on or about July 15, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Prophet Brand Extra Fine Oil * * * A compound Net Contents 1 Gallon."

Examination of the article by the Bureau of Chemistry of this department showed that the cans contained less than the amount declared on the label.

Misbranding of the article was alleged in substance for the reason that the labels of the cans containing the article bore the following statement, design, or device regarding the said article, "Net Contents 1 Gallon," which was false and misleading and deceived and misled the purchaser. 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, since the statement made was not correct.