

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Extra Fine Olive Oil Olio d'Oliva Purissimo Importato Italia Brand 1 Gallon Net," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was olive oil, that it was a foreign product, to wit, olive oil produced in the Kingdom of Italy, and that each of the said cans contained 1 gallon 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 olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of the said cans contained 1 gallon net of the said article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in large part of cottonseed oil, it was not a foreign product, but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon net of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was a mixture composed in large part of cottonseed oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it purported to be a foreign product when not so, and 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 package.

On September 26, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

11034. Adulteration and misbranding of minced clams. U. S. v. 4 Dozen Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16314. I. S. No. 10964-t. S. No. W-1080.)

On May 13, 1922, the United States attorney for the District of Oregon, 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 4 dozen cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Grays Harbor Fisheries & Packing Co., Inc., Aberdeen, Wash., April 14, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Royal Club Brand Minced Clams."

Adulteration of the article was alleged in substance in the libel for the reason that excessive water or clam juice 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 normal minced clams of good commercial quality.

Misbranding was alleged in substance for the reason that the statement appearing on the label of the can containing the article, to wit, "Minced Clams," was false and misleading and deceived and misled the purchaser.

On June 12, 1922, Grays Harbor Fisheries Co., Inc., Aberdeen, Wash., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

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

11035. Adulteration and misbranding of cocoa. U. S. v. 76 Cases of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16390. S. No. E-3894.)

On June 14, 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 76 cases of cocoa, consigned on or about October 19, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the C. H. Jones Co., New York, N. Y., and trans-

ported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Opler Bros. Inc., 696 Greenwich Street, New York City."

Adulteration of the article was alleged in the libel for the reason that substances, excessive shells and sand, 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 said article.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On August 5, 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.*

11036. Adulteration and misbranding of flour. U. S. v. 620 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16492. I. S. No. 11212-t. S. No. W-1128.)

On June 28, 1922, 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 620 sacks of flour, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Anthony Mills, Anthony, Kans., alleging that the article had been shipped from Anthony, Kans., on or about June 9, 1922, and transported from the State of Kansas into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "98 Lbs. National Flour The Anthony Mills, Anthony Kansas Branch, Matured, Bleached."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Lbs.," appearing on the sacks containing the article, 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.

On July 17, 1922, the Anthony Mills, Anthony, Kans., having entered an appearance as claimant for the property, 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 \$4,500, in conformity with section 10 of the act.

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

11037. Adulteration of chloroform. U. S. v. 66 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16592. I. S. No. 14133-t. S. No. W-1140.)

On July 7, 1922, 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 a libel for the seizure and condemnation of 66 cans of chloroform, consigned by Merck & Co., St. Louis, Mo., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped from St. Louis, Mo., on or about May 16, 1922, and transported from the State of Missouri into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Poison 1 lb. * * * Chloroform Merck * * * U. S. P. IX."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained small amounts of chlorid and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On August 29, 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.*