

1921, from the State of California into the State of Wyoming, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was composed in whole of a filthy, decomposed, and putrid vegetable matter.

On July 28, 1922, no claimant having appeared for the product, 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.*

11047. Adulteration and misbranding of flour. U. S. v. 800 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16584. I. S. No. 14182-t. S. No. W-1137.)

On July 3, 1922, 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, and on July 13, 1922, an amendment to the said libel, praying the seizure and condemnation of 800 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Plains Montana Mills, Plains, Mont., on or about June 16, 1922, and transported from the State of Montana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Examination of the article by the Bureau of Chemistry of this department showed that the sacks contained a less amount of the said article than that declared on the labels thereof.

Adulteration of the article was alleged in the libel, as amended, for the reason that bleached flour had been substituted for the said article.

Misbranding was alleged in substance for the reason that the statements borne on the sacks containing the article, to wit, "Plains Montana Mills Hard Wheat Royal Crown Patent Flour Plains, Mont. 98 Lbs. Net When Packed," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 13, 1922, Geo. P. Shiel, having entered an appearance as claimant for the property and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,200, in conformity with section 10 of the act.

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

11048. Adulteration and misbranding of oil. U. S. v. 261½ Cartons of Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16670. I. S. No. 7114-t. S. No. E-4071.)

On July 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 a libel for the seizure and condemnation of 261½ cartons of oil at New York, N. Y., alleging that the article had been shipped by the Capitol Refining Co., Rosslyn, Va., on or about June 23, 1922, and transported from the State of Virginia into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "High Grade Oil Medaglia D'Oro Brand * * * Vegetable Salad Oil More Practical Than Olive Oil A Compound Contents 1 Gallon * * * Packed by B. Mayer, New York."

It was alleged in substance in the libel that the article had been transported in violation of the said act in that an oil or oils other than olive oil had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing on the said cans, to wit, "High Grade Oil Medaglia D'Oro Brand Re d'Italia" and "Contents 1 Gallon," together with the designs of a medal apparently of foreign origin, an Italian soldier in foreground on horseback, and a conventional design of olive branches with background showing Italian scene, 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, 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 22, 1922, Benjamin Mayer, New York, N. Y., claimant, having admitted the material allegations of the libel and 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 the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department, in part, as follows: "Corn Oil (Made in America) Contents: 3 qts., 1 pt., 12 ozs. Distributed by B. Mayer New York."

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

11049. Misbranding of Eckman's alterative. U. S. v. 150 Dozen and 120 Dozen Bottles of Eckman's Alterative. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16733. S. No. C-3761.)

On August 9, 1922, the United States attorney for the Northern District of Illinois, 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 150 dozen large-sized bottles and 120 dozen small-sized bottles of Eckman's alterative, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Burrows-Little-White Co., Philadelphia, Pa., April 14, 1922, and transported from the State of Pennsylvania into the State of Illinois, 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 3.3 per cent of calcium chlorid, 2.3 per cent of plant extracts, and 94.4 per cent of water, flavored with clove oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the label of each of the bottles containing the said article, regarding its curative or therapeutic effect, to wit, "Eckman's Alterative For use in the following Throat and Lung Affections. Bronchial Asthma, Catarrhal Bronchitis and Pulmonary Troubles Stubborn Coughs and Colds," were false and fraudulent in that the said statements were applied to the 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 was effective as a remedy for bronchial asthma, catarrhal bronchitis and pulmonary troubles, and stubborn coughs and colds, whereas, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On October 4, 1922, the Burrows-Little-White Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and 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 the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision and to the satisfaction of this department.

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

11050. Misbranding of Krause's phosphorets. U. S. v. 1 Dozen Packages of Krause's Phosphorets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13731. I. S. No. 10371-t. S. No. W-757.)

On September 27, 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 1 dozen packages of Krause's phosphorets, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., in part June 26, 1919, and in part August 28, 1919, and transported from the State of Indiana 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 the pills contained iron carbonate, asafetida, and a trace of phosphorus, coated with sugar, calcium carbonate, and talc, colored yellow.