

11094. Adulteration of butter. U. S. v. 235 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16513. I. S. No. 1602-v. S. No. E-4100.)

On August 2, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 235 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the North American Creamery, Paynesville, Minn., on or about July 13, 1922, and transported from the State of Minnesota into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in milk fat and high in moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

On November 10, 1922, the North American Creamery Co., Paynesville, Minn., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

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

11095. Adulteration and misbranding of olive oil. U. S. v. Angelo Papagelis and Christopher Papagelis (Italy Commercial Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 16569. I. S. No. 5549-t.)

On September 12, 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 Angelo Papagelis and Christopher Papagelis, copartners, trading as Italy Commercial Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 27, 1922, from the State of New York into the State of Rhode Island, of a quantity of olive oil which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of cottonseed oil with no appreciable amount of olive oil. Examination of 14 cans of the article by said bureau showed an average volume of 0.973 gallon.

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 in large type, to wit, "Olio Sopraffino Qualita Superiore Olive Tripolitania" and "Net Contents Full Gallon," not corrected by the statement in inconspicuous type, "cotton seed and," together with the designs and devices of Italian flags, medals, and olive branches, 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, an olive oil produced in the kingdom of Italy, and that each of the said cans contained one full 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 one full gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in very 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 one full gallon net of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was a mixture composed in very 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. Misbranding was alleged for the further reason that the statements, designs, and devices borne on the said cans purported the article to be a foreign product when not so, and for the

reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was branded as an article manufactured and produced in the kingdom of Italy, whereas it was an article manufactured and produced in the United States of America. 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 October 16, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

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

11096. Misbranding of Orange Blossom female suppositories. U. S. v. 56 Boxes of Orange Blossom Female Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16665. S. No. C-3722.)

On July 25, 1922, the United States attorney for the Northern District of Iowa, 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 56 boxes of Orange Blossom female suppositories, remaining unsold at Sioux City, Iowa, alleging that the article had been shipped by Dr. J. A. McGill & Co., Chicago, Ill., on or about November 17, 1921, and transported from the State of Illinois into the State of Iowa, 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 suppositories consisted essentially of cocoa butter, petrolatum, boric acid, sodium sulphate, and a little flour.

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing in the circular accompanying the said article, regarding its curative and therapeutic effects, and which were quoted in the said libel in part, as follows, " * * * for Diseases Peculiar To Women * * * Female Weakness * * * In cases of Pregnancy, the Suppositories may be safely used up to the fourth month * * * consequently relieving the patient of much suffering at child-birth. * * * In cases of Change of Life, the Suppositories will relieve the organ of the morbid conditions * * * Nervous * * * headache, backache, irritation of the stomach, spinal irritation, pain between the shoulders, distressing sensation in the back of the head, nape of the neck, and numbness and coldness of the extremities. In these cases the Suppositories will give relief by their action on the womb. * * * for * * * Inflammation, Congestion and Falling of the Womb, Anteversion, Retroversion and Prolapsus, Ulceration, Leucorrhoea, Profuse and Difficult Menstruation * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed in the said circular.

On November 3, 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.*

11097. Adulteration of shell eggs. U. S. v. 30 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16738. I. S. No. 3855-v. S. No. C-3706.)

On or about July 14, 1922, the United States attorney for the Northern District of Iowa, 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 30 cases of eggs at Sioux City, Iowa, alleging that the article had been shipped by the Wynot Cash Store, Wynot, Nebr., on or about July 8, 1922, and transported from the State of Nebraska into the State of Iowa, 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 consisted in part of a filthy animal substance, for the further reason that it consisted in whole or in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On November 6, 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.*