

12743. Misbranding of olives. U. S. v. 3 Cases and 4 Cases of Olives. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18651. I. S. Nos. 12619-v, 12620-v. S. No. E-4830.)

On May 6, 1924, 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 praying the seizure and condemnation of 7 cases of olives, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by James P. Smith & Co., from New York, N. Y., on or about April 3, 1924, and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Bottle) "Pimento Stuffed Olives Net Wt. 3 Oz." The remainder of the article was labeled in part: "Queen Olives Net Wt. 4 Oz."

Misbranding of the article was alleged in the libel for the reason that the statements "Net Wt. 3 Oz." and "Net Wt. 4 Oz.," borne on the respective labels, were 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 June 21, 1924, James P. Smith & Co., New York, N. Y., having appeared 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 \$100, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12744. Misbranding of Tu-Ber-Ku. U. S. v. 9 Bottles of Tu-Ber-Ku. Decree entered ordering product destroyed. (F. & D. No. 18209. I. S. No. 7341-v. S. No. C-4237.)

On December 27, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 bottles of Tu-Ber-Ku, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the Cawthon-Coleman Drug Co., from Selma, Ala., on or about January 29, 1923, and transported from the State of Alabama into the State of Mississippi, 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 glycerin, alcohol, sugar, water, and a trace of a phenolic substance, flavored with peppermint oil.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, (carton and bottle labels) "Tu-Ber-Ku * * * For Consumption, * * * Croup, Colic, Catarrh and Asthma," (carton) "for * * * all Throat and Lung Troubles * * * has accomplished many wonderful cures even in cases given up by physicians * * * in all chronic cases," were false, fraudulent, and misleading, and deceived and misled the purchaser, since the said statements were not correct.

On September 16, 1924, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12745. Misbranding of Smith's buchu lithia pills. U. S. v. 12 Dozen Boxes of Smith's Buchu Lithia Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17976. S. No. E-4565.)

On November 7, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 dozen boxes of Smith's buchu lithia pills, at Pittsburgh, Pa., consigned by C. F. Smith, Boston, Mass., alleging that the article had been shipped on or about October 16, 1923, and transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.