

13993. Misbranding of olive oil. U. S. v. 115 Half-Gallon Cans of Olive Oil. Product ordered released under bond. (F. & D. No. 20075. I. S. No. 14628-v. S. No. W-1715.)

On May 21, 1925, the United States attorney for the District of Utah, 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 115 half-gallon cans of olive oil, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by A. Giurlani & Bro. (A. Giurlani & Bro.), from San Francisco, Calif., on or about April 3, 1925, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents One Half Gallon * * * Olive Oil A. Giurlani & Bro., San Francisco, Calif."

Misbranding of the article was alleged in the libel for the reason that the statement on the labels "Net Contents One Half Gallon," was false and misleading, and 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 25, 1925, A. Giurlani & Bro., San Francisco, Calif., claimant, having paid the costs of the proceedings and executed a bond in the sum of \$300, in conformity with section 10 of the act, and the court having found the product to be misbranded, a decree was entered, ordering that the said cans of olive oil be released to the claimant to be refilled and relabeled as to the exact net contents, under Government supervision.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13994. Misbranding of Hesperian tonic. U. S. v. 3½ Dozen Bottles and 5¼ Dozen Bottles of Hesperian Tonic. Default orders of destruction entered. (F. & D. Nos. 19106, 19121. I. S. Nos. 9830-v, 11712-v. S. Nos. W-1598, W-1602.)

On November 26, 1924, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 8¾ dozen bottles of Hesperian tonic, remaining in the original unbroken packages in part at Salt Lake City, Utah, and in part at Ogden, Utah, alleging that the article had been shipped by the Temple of Health Medicine Co., from San Francisco, Calif., in two consignments, namely, on or about March 20, 1924, and April 19, 1924, respectively, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of ferric chloride, a trace of ethyl nitrite, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels thereof: (Bottle label and carton) "for * * * assisting in affording relief of the inflammation in * * * Hoarseness, Diphtheria, Bronchial, Laryngeal Inflammation, and in Eruptive conditions of the skin," were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On June 24, 1925, no claimant having appeared for the property, decrees of the court were entered, adjudging the product to be misbranded and ordering its destruction by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13995. Misbranding of butter. U. S. v. H. Hamilton, R. L. Autrey, J. H. Studdert, Jesse Andrews, Jos. F. Meyer, B. A. Reisner, and D. Rossi, Trustees, Trading as Magnolia Dairy Products Co. Tried to the court. Judgment of guilty. Fine, \$10 and costs. (F. & D. No. 15006. I. S. No. 2881-t.)

On January 21, 1922, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. Hamilton, R. L. Autrey, J. H. Studdert, Jesse Andrews, Jos. F. Meyer, B. A. Reisner, D. Rossi, trustees, trading as Magnolia Dairy Products Co., Houston, Tex., alleging shipment by said defendants, in violation of the food and drugs act as

amended, on or about May 18, 1921, from the State of Texas into the State of Louisiana, of a quantity of butter which was misbranded. The article was labeled in part: "Contents One Pound Net * * * Magnolia Brand Butter Manufactured By Magnolia Dairy Products Co., Houston, Texas."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 20 prints was 15.2 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents One Pound Net," borne on the cartons containing the article, was false and misleading, in that the said cartons did not each contain 1 pound net of butter but did contain a less quantity, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that each of the cartons contained 1 pound net of butter, whereas each of said cartons contained a less quantity. 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 November 5, 1925, a jury having been waived by the parties, the case came on for trial before the court. After the submission of evidence and arguments by counsel, the court entered a judgment of guilty against the defendants and imposed a fine of \$10 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13996. Misbranding of canned corn. U. S. v. 165 Cases and 246 Cases of Canned Corn. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 20114, 20115. I. S. Nos. 23856-v, 23857-v, 23862-v. S. Nos. C-4745, C-4746.)

On June 12 and 13, 1925, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 411 cases of canned corn, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by the New Vienna Canning Co., from New Vienna, Ohio, during the month of October, 1924, and transported from the State of Ohio into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Maple Sweet Brand Evergreen Sugar Corn Contents 1 Lb. 4 Oz. * * * Packed by New Vienna Company, New Vienna, Ohio." The remainder of the said article was labeled in part: "Nun-so-good Brand Evergreen Sugar Corn Contents 1 Lb. 4 Oz. * * * Packed By New Vienna Canning Co. New Vienna, Ohio."

Misbranding of the article was alleged in the libels for the reason that the statement "Contents 1 Lb. 4 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser, 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 July 11, 1925, the Cohn Flour & Feed Co. and Holmes & Barnes, Ltd., both of Baton Rouge, La., having appeared as claimants for respective portions of the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,100, in conformity with section 10 of the act, conditioned in part that the statement "Contents 1 Lb. 4 Oz." be obliterated and the product rebranded.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13997. Adulteration and misbranding of butter. U. S. v. Holston Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19328. I. S. No. 19832-v.)

On February 23, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Holston Creamery Co., a corporation, Bristol, Va., alleging shipment by said company, in violation of the food and drugs act, on or about August 22, 1924, from the State of Virginia into the State of Tennessee, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Holston Brand Creamery Butter * * * One Pound Net Made by Holston Creamery Co. * * * Bristol, Va."