

trict Court of the United States for said district a libel praying seizure and condemnation of 50 tins of ether, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Powers-Weightman-Rosengarten Co., from St. Louis, Mo., on or about March 25, 1926, and transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tin) "One Pound Ether U. S. P. * * * Powers-Weightman-Rosengarten Co. Philadelphia."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it failed to comply with the pharmacopoeial requirements for freedom from peroxide and aldehyde.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the U. S. Pharmacopoeia and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the label "Ether U. S. P." was false and misleading.

On May 24, 1926, the Powers-Weightman-Rosengarten Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and 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 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, and it was further ordered that the said product be salvaged, or relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture*

14411. Misbranding of olive oil. U. S. v. 5 Cases and 8 Cases of Olive Oil. Product adjudged misbranded and ordered released under bond.
(F. & D. No. 16581. I. S. Nos. 14321-t, 14322-t. S. No. W-1125.)

On July 29, 1922, 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 seizure and condemnation of 5 cases, each containing gallon cans, and 8 cases, each containing ½-gallon cans, of olive oil, at Salt Lake City, Utah, alleging that the article had been shipped by the Nasiacos Importing Co., from Chicago, Ill., on or about August 12, 1921, and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "1 Gallon" (or "½ Gallon") "Athlete Brand Pure Olive Oil Nasiacos Importing Co. Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statements on the labels, "1 Gallon" and "½ Gallon," as the case might be, were false and misleading, in that the net contents of the said cans were not 1 gallon and ½ gallon, respectively. 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 2, 1923, the Nasiacos Importing Co., Chicago, Ill., having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$600, a decree was entered, adjudging the product to be misbranded, and it was ordered by the court that the product be released for the purpose of relabeling the same as to the exact net contents.

W. M. JARDINE, *Secretary of Agriculture*.

14412. Misbranding of butter. U. S. v. Ambrose J. Smith, Sam S. Lard, and John S. Carter (Trustees, Texas Creamery Co.). Pleas of guilty. Fine, \$200. (F. & D. No. 19702. I. S. Nos. 3563-v, 3566-v, 3569-v, 3570-v, 3571-v.)

On February 24, 1926, 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 Ambrose J. Smith, Sam S. Lard, and John S. Carter, as trustees of the Texas Creamery Co., an unincorporated association, Houston, Tex., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about the respective dates of January 27, and February 14 and 20, 1925, respectively, from the State of Texas into the Territory of Porto Rico, of quantities of butter which was misbranded. The article was contained in