

branding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label) "Bronchitis Laryngitis Asthma Whooping Cough Pulmonary Phthisis And Other Respiratory Affections In Which A Mild Sedative Or Expectorant Is Required. * * * Allays Cough, Promotes Expectoration, Exerts A Soothing Influence On The Inflamed Mucous Membrane Of The Bronchial And Pulmonary Passages And Relieves Congestion Of The Respiratory Organs * * * Dose * * * Repeated * * * Until Cough Is Allayed And Respiratory Discomfort Is Overcome," (carton) "Bronchitis Laryngitis Asthma Whooping Cough Pulmonary Phthisis * * * And Other Respiratory Affections in Which A Mild Sedative Or Expectorant Is Required * * * Allays Cough Promotes Expectoration * * * Exerts A Soothing Influence On The Inflamed Mucous Membrane Of The Respiratory Passages."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of ammonium chloride, sodium bromide, glycerin, sugar, alcohol, and water, with traces of terpin hydrate, an alkaloid, a phenolic compound, and menthol.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 5, 1926, 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.

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

14570. Adulteration and misbranding of canned tuna fish. U. S. v. 7½ Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19920. I. S. No. 15624-v. S. No. E-3267.)

On March 25, 1925, 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 seizure and condemnation of 7½ cases of tuna fish, at Pittsburgh, Pa., alleging that the article had been shipped by the M. DeBruyn Importing Co., from New York, N. Y., on or about February 18, 1925, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Juanita Brand California Tuna Standard All Light Meat * * * Bisco Distributing Co. New York," (case) "Juanita Light Meat Tuna."

Adulteration of the article was alleged in the libel for the reason that a substance, yellowtail, had been mixed and packed therewith so as to reduce, lower or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Light Meat Tuna," "California Tuna Standard All Light Meat," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On August 5, 1926, 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.

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

14571. Adulteration and misbranding of cocoa powder. U. S. v. 13 Cases of Cocoa Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21139. I. S. No. 7285-x. S. No. E-5788.)

On June 19, 1926, 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 seizure and condemnation of 13 cases of cocoa powder, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Chocolate Refiners, Inc., from Mansfield, Mass., on or about February 13, 1926, and transported from the State of Massachusetts into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Gilberts Pure Cocoa Powder * * * Manufactured By Chocolate Refiners Inc. Mansfield, Mass."

Adulteration of the article was alleged in the libel for the reason that a substance, mineral matter, had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Pure Cocoa Powder," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On August 12, 1926, 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.

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

14572. Misbranding of evaporated apples. U. S. v. 18 Cases and 25 Cases of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20112. I. S. Nos. 14651-v, 14652-v. S. No. C-5015.)

On June 11, 1925, the United States attorney for the Middle District of Tennessee, 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 43 cases of evaporated apples, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Aspegren Fruit Co., Sodus, N. Y., on or about November 25, 1924, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "La Perla Brand Evaporated Apples" (or "Victor Brand Evaporated Apples") "Sulphured Packed By The Aspegren Fruit Co. Sodus, N. Y. Net Weight 15 Oz." (or "Net Weight 8 Ounces").

It was alleged in substance in the libel that the article was short weight and was misbranded, in that the statements "Net Weight 8 Ounces" and "Net Weight 15 Oz.," borne on the labels, were false and misleading and deceived and misled the purchaser, and in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 31, 1925, Robert Orr & Co., Nashville, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$250, conditioned in part that the claimant open each package and add a sufficient quantity of apples to bring the weight up to the declared amount.

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

14573. Misbranding of olive oil and salad oil. U. S. v. 12 Gallon Cans of Olive Oil, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 20122, 20124, 20167, 20168, 20169, 20170. I. S. Nos. 24363-v, 24364-v, 24365-v, 24367-v to 24372-v, incl. S. Nos. E-5323, E-5332, E-5333, E-5335, E-5340, E-5341.)

On June 18, 20, and 24, 1925, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 40 gallon cans, 35 half-gallon cans, and 17 cases containing various sized cans, of olive oil, and 4 cases containing gallon cans of salad oil, at Newark, N. J., alleging that the articles had been shipped by A. Gash, New York, N. Y., in various consignments during the months of April and May, 1925, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled, variously: "Italian Product Virgin Olive Oil Agash Brand * * * A. Gash Importer & Packer Oneglia Italy. N. Y. U. S. A. Net Contents One Full Gallon" (or "Net Contents One Full Quart" or "Net Contents One Half Gallon") "Olive Oil Agash Brand Italy Net Contents One Half Gallon * * * Contenuto ½ Gallone Netto," "Imported Product Amico Brand Virgin Olive Oil Net Contents One Gallon * * * A. Gash, Importer And Packer," "Extra Quality Oil The Italian Cook Brand 0.98 Of One Gallon Or 7½ Lbs. Net"; "Virgin Olive Oil Agash Italy Net Contents One Full Gallon"; "Extra Quality Oil The Italian Cook Brand Vegetable Salad Oil 0.98 Of One Gallon Or 7½ Lbs. Net."