

Misbranding of the articles was alleged for the reason that the statements, "0.98 Of One Gallon Or 7½ Lbs. Net," "Net Contents One Full Gallon," "Net Contents One Gallon," "Net Contents One Half Gallon," "Contenuto ½ Gallone Netto," or "Net Contents One Full Quart," as the case might be, borne on the labels of the respective sized cans, were false and misleading and deceived and misled the purchaser, since the amount stated was not correct. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 24, 1926, Abraham Gash, New York, N. Y., having appeared as claimant for the property 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 products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$450, conditioned in part that it not be sold or disposed of contrary to law.

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

14574. Misbranding of Mecca compound. U. S. v. 15 Packages, et al., of Mecca Compound. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20869, 20870. I. S. Nos. 1236-x, 1237-x. S. Nos. C-4966, C-4967.)

On February 19, 1926, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 8¼ dozen two-ounce packages, 3½ dozen six-ounce packages and 1¼ dozen thirteen-ounce packages of Mecca compound, alleging that the article had been shipped by the Foster-Dack Co., from Chicago, Ill., between the dates of July 18, 1925, and January 29, 1926, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was contained in boxes labeled in part: "Healing * * * for all kinds of Sores and inflammation giving quick relief and aiding nature to make speedy cures * * * For * * * Barber's Itch, Eczema, Erysipelas, Hives, Salt Rheum * * * Blood Poison, boils, diphtheritic Sore Throat, Pneumonia and all kinds of inflammation."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of zinc oxide, petrolatum, and fat, with traces of menthol, thymol, and phenol.

It was alleged in substance in the libels that the article was misbranded, in that the above-quoted statements regarding its curative and therapeutic effects were false and fraudulent, since it contained no ingredient or substance capable of producing the effects claimed.

On June 2, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

14575. Misbranding and alleged adulteration of coffee. U. S. v. 25 Cans, et al., of Coffee. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21093, 21098, 21100, 21101. I. S. Nos. 11732-x, 11733-x, 11739-x, 11742-x. S. Nos. C-5151, C-5159, C-5160, C-5163.)

On May 26 and 31, 1926, respectively, the United States attorney for the Eastern District of Texas, 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 225 cans of coffee, remaining in the original unbroken packages in various lots at Jacksonville, San Augustine, Joaquin, and Carthage, Tex., respectively, alleging that the article had been shipped by the Cuban Coffee Mills, from Shreveport, La., between the approximate dates of May 4 and May 26, 1926, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was consigned in crates labeled in letters half an inch high, "Coffee & Chicory Blend." The crates were further labeled, "SPB Cuban" together with name of consignee and a statement of weight. The cans were labeled, "Packed by Cuban Coffee Mills, Inc., Shreveport, La."

Adulteration of the article was alleged in the libels for the reason that a substance, chicory, 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 designation "SPB" 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 June 21 and 24, 1926, respectively, the Cuban Coffee Mills, Shreveport, La., having appeared as claimant for the property, and the court having found that the material allegations of the libels were true, decrees were entered, adjudging the product misbranded and ordering its condemnation and forfeiture, and it was further 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 good and sufficient bonds, conditioned in part that it not be sold or otherwise disposed of contrary to law.

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

14576. Misbranding of oil. U. S. v. Reliable Importing Co. Plea of guilty. Fine, \$1,400. (F. & D. No. 19753. I. S. Nos. 5441-x, 6949-x, 6950-x, 6952-x to 6957-x, incl.)

At the July, 1926, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Reliable Importing Co., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments between the approximate dates of September 4 and October 5, 1925, from the State of New York in part into the State of Rhode Island and in part into the State of Connecticut, of quantities of oil which was misbranded. The cases containing the article were labeled, variously: "6—1 Gal. Cans," "12—½ Gal. Cans," "Six 1 gallon cans," or "24—¼ Gal. Cans." The cans were labeled in part: "Contadina Brand Oil Superior Quality * * * 0.98 Of One Gallon Or 7½ Lbs. Net" (or "0.98 Of ½ Gallon Or 3¾ Lbs. Net" or "0.98 Of ¼ Gallon Or 1⅞ Lbs. Net") "Contadina Oil Co."

Misbranding of the article was alleged in substance in the information for the reason that the statements, "6—1 Gal. Cans," "12—½ Gal. Cans," "Six 1 gallon cans," or "24—¼ Gal. Cans," as the case might be, borne on the cases containing the said cans, and the statements, "0.98 Of One Gallon Or 7½ Lbs. Net," "0.98 Of ½ Gallon Or 3¾ Lbs. Net," or "0.98 Of ¼ Gallon Or 1⅞ Lbs. Net," as the case might be, borne on the cans, were false and misleading, in that the statements on the said cases represented that the cans contained 1 gallon, ½ gallon, or ¼ gallon of the article, and the statements on the cans represented that they contained 0.98 gallon, ½ gallon or ¼ gallon, as the case might be, or 7½ pounds, 3¾ pounds or 1⅞ pounds, respectively, and for the further reason that the article was labeled as aforesaid so as to represent that the said cans contained the said respective amounts, whereas they contained less than 0.98 gallon, ½ gallon, or ¼ gallon, as the case might be, and less than 7½ pounds, 3¾ pounds and 1⅞ pounds, respectively. 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 packages.

On July 26, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1,400.

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

14577. Misbranding and alleged adulteration of vinegar. U. S. v. 53 Barrels and 41 Barrels of Vinegar. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12141, 15642. I. S. Nos. 7755-r, 3539-t. S. Nos. C-1714, C-3325.)

On February 11, 1920, and November 28, 1921, respectively, the United States attorney for the District of Minnesota, 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 94 barrels of vinegar, remaining in the original unbroken packages in part at St. Paul, Minn., and in part at Fergus Falls, Minn., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., on or about September 22, 1919, and October 28, 1921, respectively, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The barrels containing a portion of the article were labeled: (On end) "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made from Selected Apples * * * Rochester, N. Y.," (other end) "48—½