

S209. Misbranding of Milks Emulsion. U. S. * * * v. 20 Dozen Small Bottles, 7 Dozen Large Bottles, 6 Dozen Large Bottles, and 6 Dozen Small Bottles of Milks Emulsion. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 11396, 11469. I. S. Nos. 15336-r, 15337-r, 15334-r. S. Nos. E-1822, E-1824.)

On October 10, 1919, 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 a libel for the seizure and condemnation of 20 dozen small bottles, 7 dozen large bottles, 6 dozen large bottles, and 6 dozen small bottles of Milks Emulsion, remaining unsold in the original unbroken packages at Lynchburg, Va., alleging that the 20 dozen small bottles and the 7 dozen large bottles of the article had been shipped on or about August 22, and June 30, 1919, respectively, by the Milks Emulsion Co., Terre Haute, Ind., and transported from the State of Indiana into the State of Virginia, and that the 6 dozen large bottles and 6 dozen small bottles of the article had been shipped on or about September 12, 1919, and transported from the District of Columbia into the State of Virginia, 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 petrolatum with small amounts of sirup, glycerin, and methyl salicylate.

Misbranding of the article was alleged in the libel for the reason that the statement in the booklet accompanying it, "Milks Emulsion Contains a Great Amount of Fat," was false and misleading, since it contained no fat. Misbranding was alleged for the further reason that the following statements on the label of the bottle on both sides, to wit, "Milks Emulsion * * * a valuable remedy for dyspepsia, indigestion, catarrh of stomach and bowels * * * bronchial asthma, catarrhal croup, bronchitis * * * especially beneficial in incipient consumption," regarding the curative and therapeutic effects thereof, were false and fraudulent, as the article contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged in substance for the further reason that the following statements printed on the carton, regarding the curative and therapeutic effects of the article, were false and fraudulent, (cartons, large and small bottles) "Milks Emulsion * * * a valuable remedy for dyspepsia, indigestion, catarrh of the stomach and bowels, * * * colds, coughs due to sore throat, bronchial pneumonia, incipient consumption, bronchial asthma, catarrhal cough. * * * strengthens the digestive organs * * * enriching the blood and increasing the flesh. It gives relief in curable Throat, Lung, Stomach and Bowel Troubles, cleans and heals the afflicted parts and enables the machinery of the body to do its work properly, thus restoring strength and flesh and contributing to perfect health. * * * is very beneficial in incipient consumption * * * coughs due to sore throat, bronchitis or pneumonia, bronchial asthma, dyspepsia, indigestion, catarrh of the stomach and bowels, * * *. Especially beneficial in the illis of children. It builds up their system, enriches their blood, improves the appetite, strengthens the throat, lungs and stomach, which are only too often the cause of croupy, weak and puny children. * * * Relieves catarrhal croup, and several doses given during the day will prevent it. Thousands of mothers endorse Milks Emulsion because it strengthens their children as nothing else has ever done, thus rendering them less liable to many of the contagious diseases so common among children. * * *," and for the further reason that the following statements printed in the booklet accompanying the article, regarding the curative and therapeutic effects thereof, were

false and fraudulent, (booklet, both sizes) “* * * dyspepsia, indigestion, catarrh of the stomach and bowels * * * bronchitis * * * coughs, spasmodic croup, consumption (in its early stages), bronchial asthma * * * stomach trouble in its various forms * * * Stomach trouble, as understood by the laity, covers acute and chronic dyspepsia, indigestion, gastritis, chronic gastric catarrh, chronic nervous dyspepsia, ulcer of the stomach, cancer of the stomach and tumors of the stomach. We mention cancer, syphilis and tumors of the stomach under the head of stomach trouble simply to show you the possibilities under this term, which can only be determined by a thorough examination made by a competent physician under whose care you should place yourself should it be found that your trouble arises from either of these causes. * * * gastritis * * *. Thousands of people have reported to us that they found relief in the use of Milks Emulsion for various forms of stomach trouble, almost from the first dose, notwithstanding the fact that they had been afflicted for years and that everything they ate distressed them. * * * Our years of experience with stomach trouble in its various forms have convinced us that if a person has dyspepsia, indigestion, gastritis or catarrh of the stomach and bowels, and ever hopes to get well, he will sooner or later have to take Milks Emulsion. We are so confident that Milks Emulsion will do the work * * *,” (testimonials) “* * * A year ago I had such a bad case of stomach trouble that at times it was hard to keep life in me, so much gas gathered it crowded my heart and lungs so that I could scarcely get my breath, * * * I coughed most all the time and raised so much seemed to be yellow matter. I got so thin and weak I could scarcely walk * * * I am convinced Milks Emulsion saved my life. * * *’ ‘* * * It cured me of a very bad case of catarrh of the stomach and intestines * * * It is a wonderful remedy * * * For many years I have suffered from stomach trouble * * * Finally more as a last resort, rather than expecting any relief, I tried Milks Emulsion. After taking seven bottles, I can say that I am well. * * *’ ‘* * * My husband was afflicted awfully bad with stomach trouble. He used eight bottles of your Emulsion and it cured him sound and well. * * *’ ‘* * * It has cured me of dyspepsia * * * After having suffered ten years with stomach trouble and spending lots of money for medicine, I concluded to try one more and that one was Milks Emulsion * * * I have used five packages and feel that I am thoroughly cured. * * *’ ‘* * * I had stomach trouble for about 30 years and bad lungs. Now I am perfectly well. It cured both my lungs and stomach * * *’ ‘* * * I had catarrh ever since I was seventeen years old until I took Milks Emulsion. Now I am well and we will always keep a bottle. * * *’ ‘* * * I had neuralgia of the stomach * * * I got one bottle and it cured me entirely. * * *’ ‘* * * Our little girl has been afflicted with stomach trouble for four years * * * but the first bottle of Milks Emulsion she took cured her completely. * * *’ ‘* * * I had throat and stomach trouble for fifteen years and doctored with a dozen doctors, getting no relief. Finally, they advised me to go to Colorado to get cured so I went there and stayed there three months then came back home without being benefited and began to cough worse than ever. When I saw your advertisement, I commenced to take Milks Emulsion * * * I continued its use until it cured me sound and well. * * *’ ‘* * * Before taking your Emulsion I had been doctoring my stomach for four or five years without results. I think Milks Emulsion is the only cure. * * *’ ‘* * * I can honestly recommend it to any person suffering from stomach trouble as it cured me when other medicines failed. * * *’ ‘* * * My son whom I live with has

two children, the youngest not a year old. They both had grippe last winter and a bad cough. We gave them Milks Emulsion and it cured them in less than two days and neither of them has coughed a particle since. * * * It is the best medicine in the world for the stomach. * * * ' * * * I only hope that some brother or sister who is suffering with throat, lung or stomach trouble as I was, will in some way get to read this letter for I think that Milks Emulsion is worth its weight in gold. I am sure that it not only helped me and put me back to work again, but that it saved my life as well. * * * My case was catarrh and indigestion of ten years' standing. When I commenced taking your Emulsion I was in bed. I am now up and working every day. * * * ' * * * I heartily recommend Milks Emulsion to every sufferer of stomach, bowel, throat or lung trouble. * * * ' * * * having suffered for years with stomach trouble * * * I started to use your Emulsion, and have now used six packages, and am thoroughly cured. * * * ' * * * I have taken 8 bottles of your Emulsion for stomach trouble from which I have suffered for three years. My legs and feet would swell all the time. I am well now, and can say that it was Milks Emulsion that cured me. * * * ' * * * Consumption (In Its Early Stages) Can Be Cured The use of Milks Emulsion, which is 95 per cent petroleum, * * * in the treatment of tuberculosis of the lungs, * * * Milks Emulsion contains a great amount of fat, * * *. It is absolutely necessary to clean the lungs of all poisonous pus before Nature can start to heal them. Milks Emulsion will start the accumulation of pus from the cavities that have formed in the lungs by the eating away of the tissues of the walls of the air cells by the tubercular germs, in ten to twenty-four hours. A 50c bottle will prove our statement. It will cause the consumptive to expectorate very freely, and loosen the cough as well. Consumption cannot be cured until these cavities have been cleaned out and kept clean, the sewage of the body cleaned out and kept clean, the stomach and bowels put in a good healthy condition, thus enabling the patient to digest and assimilate his food, thereby building up the blood and tissue which is necessary for the patient's strength in order that he may combat the weakening effect of tuberculosis. After this has been accomplished, Nature will cause the lungs to heal and build up rapidly. * * * After several years of experimental work with Milks Emulsion in the treatment of Tuberculosis of the Lungs, used as a blood and tissue builder and expectorant and an internal lubricant, we were so sure of its beneficial results, that we advertised to treat all cases of Tuberculosis of the Lungs in the early stages free of charge until cured, something no one else has ever done before or since. This alone should convince anyone of our sincerity in claiming that in Milks Emulsion we have one of God's given remedies for afflicted people. * * * Bronchial Asthma Can Be Cured * * * Milks Emulsion and deep breathing exercises will, in our opinion, do more for asthma than all other asthma cures combined. * * * ' * * * I was a sufferer of hay fever for two years and was in such a condition that it was nearly impossible for me to get my breath at times * * * I took the Emulsion several times a day and derived benefit immediately. I continued taking it regularly, and was entirely cured from the dreaded trouble. * * * ' * * * They all said my case had become one of chronic bronchial asthma * * * I have been a sufferer with asthma and bronchitis for a number of years, causing me to suffer continually. Could hardly get my breath and would cough continually. I am now using Milks Emulsion and I have no more bronchial trouble or asthma. * * * ' * * * I was troubled with a chronic cough for a long time and tried several kinds of medicine * * * I tried three bottles of Milks Emulsion and it helped me.

* * * I then went back to the use of Milks Emulsion and used six bottles and can now say that I am well. * * * Remember, you take no chances. Milks Emulsion is an absolute preventative for spasmodic croup. * * * Milks Emulsion will build up the system, improve the appetite, enrich the blood and strengthen the organs of the throat and lungs which are only too often the cause of croupy, sick and puny children. Mothers endorse Milks Emulsion because it strengthens and builds up their children as nothing else has ever done, rendering them less liable to contract many of the contagious diseases so rife among children," as the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 31, 1920, the said Milks Emulsion Co., Terre Haute, Ind., having filed its answer admitting the averments of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the product be relabeled according to law.

E. D. BALL, *Acting Secretary of Agriculture.*

S210. Adulteration and misbranding of screened cracked cottonseed cake. U. S. * * * v. F. W. Brode & Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12111. I. S. No. 12038-r.)

On June 3, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. W. Brode & Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 4, 1919, from the State of Tennessee into the State of Kansas, of a quantity of an article which was unlabeled, but which was described in a confirmation of sale as "Screened cracked cake 43 per cent protein," and which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.43 per cent total nitrogen or 40.23 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a cottonseed meal of less than 43 per cent of protein had been substituted in whole or in part for cottonseed meal containing 43 per cent of protein, which the article purported to be.

Misbranding was alleged for the reason that the article was a cottonseed meal of less than 43 per cent protein, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, screened cracked cake containing 43 per cent protein.

On June 26, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

S211. Adulteration and misbranding of Old Process Laxo Cake Meal. U. S. * * * v. Chicago Heights Oil Mfg. Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 8563. I. S. Nos. 11380-m, 17143-m, 19858-m.)

On May 29, 1918, the United States attorney for the Northern District of Illinois, 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 Chicago Heights Oil Mfg. Co., a corporation, alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 5, 1917, from