

statement, to wit, "Goose Grease Liniment," was false and misleading in that it purported and represented that the article was a liniment of which goose grease was the principal constituent, whereas the article contained little, if any, goose grease.

On June 10, 1919, the case having come on for trial before the court and a jury, after the submission of evidence by the Government, the case was given to the jury, which returned a verdict of guilty, and the court imposed a fine of \$100 and costs.

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

8641. Misbranding of "Potasul" Potash Sulphur Water. U. S. * * * v. Potash Sulphur Springs, Inc., a Corporation. Judgment by default for the Government. Fine, \$50 and costs. (F. & D. No. 8555. I. S. No. 11639-m.)

On or about January 10, 1918, the United States attorney for the Eastern District of Arkansas, 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 Potash Sulphur Springs (Inc.), a corporation, Hot Springs, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 28, 1916, from the State of Arkansas into the State of Illinois, of a quantity of "Potasul" Potash Sulphur Water, which was misbranded. The article was labeled in part, "'Good Health' Drink Potash Sulphur Water 'Potasul' Potash Sulphur Springs, Inc., Hot Springs, Ark."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the constituents after which the product was named were not the predominating constituents of the water, nor were such constituents the characteristic or distinguishing element of the water.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Potash Sulphur Water," borne on the cases and bottles containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was a water which contained an appreciable amount of potash and sulphur, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained an appreciable amount of potash and sulphur, whereas, in truth and in fact, it was a water which contained only a trace, if any, of potash and sulphur. Misbranding was alleged in substance for the further reason that certain statements regarding the therapeutic or curative effects of the article, appearing on the label of the cases, falsely and fraudulently represented that the article was effective as a cure for diseases of the stomach, bladder, and kidneys, when, in truth and in fact, it was not.

On October 27, 1920, the case having come on for final disposition, and the defendant company having failed to appear, judgment by default was entered, and the court imposed a fine of \$50 and costs.

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

8642. Adulteration and misbranding of evaporated milk. U. S. * * * v. 50 Cases of Evaporated Milk. Product released on bond. (F. & D. No. 9132. I. S. No. 11924-p. S. No. C-925.)

On or about July 11, 1918, the United States attorney for the Eastern District of Arkansas, 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 50 cases of evaporated milk, at Pine Bluff, Ark., consigned on or about June 24, 1918, alleging that the article had been shipped by the Aviston Condensed Milk Co., from St. Louis, Mo., and transported from the State

of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Our 'Best' Brand Evaporated Milk * * * Aviston Condensed Milk Co., Aviston, Illinois."

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been mixed and packed with it so as to lower and injuriously affect its quality and strength, and had been substituted in part for evaporated milk.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, evaporated milk, and for the further reason, in substance, that the statement on the cases containing the article, to wit, "Evaporated Milk," was false and misleading and deceived and misled the purchaser.

On September 20, 1918, the said Aviston Condensed Milk Co., claimant, having entered an appearance, and the matter having come on for disposition, it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the goods be relabeled.

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

8643. Misbranding of Knoxit. U. S. * * * v. 6 Dozen Bottles of Knoxit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9999. I. S. No. 7911-r. S. No. C-1140.)

On April 3, 1919, the United States attorney for the Southern District of Ohio, 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 six dozen bottles of an article of drugs, labeled in part "Knoxit The Great Prophylactic * * * Prepared only by Beggs Manufacturing Co., Chicago-Toronto," consigned March 1, 1919, remaining unsold at Cincinnati, Ohio, alleging that the article had been transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Knoxit, Safe, Sure. Guaranteed Knoxit in Five Days;" (bottle) "Knoxit The Great Prophylactic;" (circular) "Knoxit * * * a highly efficacious remedy used in the treatment of catarrhal affections of the eye, nose, throat and inflammation of the mucous membranes. It is also beneficial in the treatment of hemorrhoids, ulcers, and cankers * * * For Other Mucous Irritations * * * gonorrhœa or leucorrhœa * * * use Knoxit Globules * * * with Knoxit Injection * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a dilute solution of zinc acetate and hydrastis in glycerin and water, perfumed with oil of rose.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements regarding the curative or therapeutic effects thereof, appearing upon the label and carton and contained in the circular as hereinbefore set forth, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that said article was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended.

On September 19, 1919, 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.

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