

were prepared in imitation of, and were offered for sale and sold under the distinctive names of, other articles, to wit, birch oil and oil sassafras.

On August 30, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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

8863. Adulteration of milk. U. S. * * * v. Joseph H. Niebur. Plea of nolo contendere. Fine, \$75 and costs. (F. & D. No. 10301. I. S. No. 10414-p.)

On October 9, 1919, the Grand Jurors of the United States within and for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Joseph H. Niebur, Breese, Ill., charging shipment by said defendant, in violation of the Food and Drugs Act, on September 28, 1917, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The article was labeled in part, “* * * From Jos. H. Niebur, Station Breese, Ills.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was very dirty.

Adulteration of the article was charged in the indictment for the reason that it consisted in part of a filthy animal substance.

On October 28, 1920, the defendant entered a plea of nolo contendere to the indictment, and the court imposed a fine of \$75 and costs.

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

8864. Adulteration of milk. U. S. * * * v. John H. Schulte. Plea of nolo contendere. Fine, \$75 and costs. (F. & D. No. 10302. I. S. No. 10405-p.)

On October 9, 1919, the Grand Jurors of the United States within and for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against John H. Schulte, Breese, Ill., charging shipment by said defendant, in violation of the Food and Drugs Act, on September 28, 1917, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The article was labeled in part: (Tag) “* * * From J. H. Schulte, Breese, Ill., R. R. 2, Box 77.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was very dirty.

Adulteration of the article was charged in the indictment for the reason that it consisted in part of a filthy animal substance.

On October 20, 1920, the defendant entered a plea of nolo contendere to the indictment, and the court imposed a fine of \$75 and costs.

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

8865. Adulteration of milk. U. S. * * * v. Loudon & Co., a Corporation. Plea of nolo contendere. Fine, \$75 and costs. (F. & D. No. 10336. I. S. No. 9379-p.)

On October 9, 1919, the Grand Jurors of the United States within and for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Loudon & Co., a corporation, Loudon Station, Ill., charging

shipment by said company, in violation of the Food and Drugs Act, on September 29, 1917, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The article was labeled in part, "From Louden and Co., Louden Station, Ill."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was dirty.

Adulteration of the article was charged in the indictment for the reason that it consisted in whole or in part of a filthy animal substance.

On November 9, 1920, a plea of nolo contendere to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

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

SS66. Misbranding of Planten's C & C or Black Capsules. U. S. * * * v. 20 Dozen Boxes of Planten's C & C or Black Capsules. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 10404. I. S. No. 2757-r. S. No. W-359.)

On May 22, 1919, the United States attorney for the Northern District of California, 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 boxes of Planten's C & C or Black Capsules, remaining in the original unbroken packages, at San Francisco, Calif., alleging that the article had been shipped by H. Planten & Son, Brooklyn, N. Y., on January 20, 1919, and transported from the State of New York into the State of California, 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 the contents of the capsules consisted essentially of copaiba and volatile oils, including oil of cinnamon.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part, (carton) "Planten's C & C or Black Capsules carefully prepared medicine of Compound Copaiba Balsam and Cubeb Oil, with carminatives and disinfectants * * * from the laboratory of H. Planten & Son, Inc. Brooklyn, N. Y.," (circular) "Planten's C & C or Black Capsules * * * For the treatment of diseases pertaining to The Kidneys, Bladder and Mucous Membranes," (booklet) "Directions and Hints for the use of Planten's C & C or Black Capsules * * * Gonorrhœa * * * Gleet 'Our Celebrated Specialty' Planten's C & C or Black Capsules * * * in restoring a healthy condition of the mucous membranes of the Genito-Urinary Tract. Our Specialty * * * for the treatment of Chronic and Acute Gonorrhœa, Gleet, Urethritis. * * * On the first appearance of the discharge, we suggest you take 'Planten's C & C or Black Capsules' * * * Remember that even after the discharge has stopped the inside lining or mucous membrane is very tender and the medicine should never be suddenly stopped, but continued for ten days to ensure thorough healing * * *," and with additional statements in the circular and booklet, which statements were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it.

On October 11, 1919, H. Planten & Son, Brooklyn, N. Y., having entered an appearance as claimant for the property, and the case having come on for final disposition, decree by consent was entered adjudging the product to be misbranded, 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 \$100, in conformity with section 10 of the act.

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