

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, methyl salicylate, and lemon oil.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that it was labeled in part on the bottles, "Net Weight 29 ounces," or "Net Weight 12 ounces," and in the booklet, "Milks Emulsion contains a great amount of fat," which statements were false and misleading in that the weight of the contents of the bottles in the first three shipments was 21.7 and 9.2 ounces, respectively, and the weight of the contents of the bottles in the fourth shipment was 19.1 and 8.25 ounces, respectively, and the article contained no fat product.

Misbranding was alleged in substance for the further reason that the article was labeled in part, (carton) "A valuable remedy for Dyspepsia, Indigestion, Catarrh of the Stomach and Bowels, * * * Coughs due to Sore Throat, Bronchitis, or Pneumonia, Incipient Consumption, Bronchial Asthma, Catarrhal Croup. * * * 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, * * * Especially Beneficial in the Ills 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. Milks Emulsion relieves catarrhal croup * * * strengthens their children * * * thus rendering them less liable to many of the contagious diseases so common among children," (booklet) " * * * 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 * * * gastritis * * * catarrh of the stomach and intestines * * * neuralgia of the stomach * * * will start the accumulation of pus from the cavities that formed in the lungs by the eating away of the tissues of the walls of the air cells by the tubercular germ, in ten to twenty-four hours. * * * will cause the consumptive to expectorate very freely, and loosen the cough as well * * * an absolute preventive for spasmodic croup * * * 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. * * *," which statements regarding the curative and therapeutic effect of the article were false and fraudulent as it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 18, 1919, the case having come on for final disposition, and the Milks Emulsion Company, Terre Haute, Ind., claimant, having consented to a decree, judgment declaring the product to be misbranded 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 \$500, in conformity with section 10 of the act.

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

9016. Misbranding of Texas Wonder. U. S. * * * v. 288 Bottles and 127 Bottles of * * * Texas Wonder * * * . Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11855, 11856. I. S. Nos. 9194-r, 9195-r. S. Nos. C-1664, C-1665.)

On December 29, 1919, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 288 bottles and 127 bottles of Texas Wonder, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Mallinckrodt

Chemical Co., St. Louis, Mo., on or about November 22, 1919, and by E. W. Hall, St. Louis, Mo., on or about November 29, 1919, respectively, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The product in both consignments was labeled in part: (Carton) "Texas Wonder * * * A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children. * * *." The consignment of November 22 was further labeled: (Circular) "The Texas Wonder! For Kidney and Bladder Troubles, Rheumatism, and Kindred Diseases;" (testimonial Louis A. Portner) " * * * began using The Texas Wonder for stone in the kidneys, inflammation of the bladder and tuberculosis of the kidneys * * * His urine contained 40% pus. * * * was still using the medicine with wonderful results, and his weight had increased * * * ." The consignment of November 29 was further labeled: (Circular) "Read Carefully * * * Texas Wonder, Hall's Great Discovery, * * * In * * * gravel and rheumatic troubles it should be taken every night in 25-drop doses until relieved * * * ."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

It was alleged in substance in the libels that the article was misbranded for the reason that the above-quoted statements were false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it on the carton and inclosed circular.

On May 4, 1920, 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.

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

9017. Adulteration and misbranding of canned tuna. U. S. * * * v. 25 Cases * * * of Canned Tuna. Default decree of destruction. (F. & D. No. 12129. I. S. No. 588-r. S. No. E-1948.)

On February 7, 1920, the United States attorney for the Southern District of Florida, 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 25 cases of canned tuna, at Tampa, Fla., consigned by the Curtis Corporation, from New York City, alleging that the article had been shipped on or about October 30, 1919, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: (Cases) "Curtis Quality Tuna Supreme Olive Oil * * * Pure Olive Oil * * * White Meat Only * * * Packed by the Curtis Corporation Long Beach, Cal. (Los Angeles Harbor)."

Adulteration of the article was alleged in the libel for the reason that oils other than olive oil had been mixed and packed with, and substituted wholly or in part for, olive oil, and for the further reason that said product consisted wholly or in part of filthy, decomposed, and putrid animal substances.

Misbranding was alleged in substance for the reason that the packages or label of the article bore statements regarding the said article and the ingredients and substances contained therein, to wit, "Curtis Quality Tuna Supreme Olive Oil," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On January 11, 1921, no claimant having appeared for the property, an order was entered finding that the product was subject to condemnation, and it was decreed by the court that the product be destroyed by the United States marshal.

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