

the execution of bonds in the aggregate sum of \$2,600, in conformity with section 10 of the act, conditioned in part that if the product should be again offered for sale the barrels containing the same should be properly branded so as to comply with the provisions of the Food and Drugs Act.

C. W. PUGSLEY,  
*Acting Secretary of Agriculture.*

**9442. Adulteration and misbranding of ice cream cones. U. S. \* \* \* v. 10,000 Cones of an Article of Food Designated "Sterling Brand Sweet Cake Ice Cream Cones." Default decree of condemnation. Product ordered destroyed.** (F. & D. No. 13516. I. S. No. 11679-t. S. No. C-2087.)

On August 25, 1920, the United States attorney for the Eastern District of Kentucky, 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 10,000 Sterling Brand Sweet Cake ice cream cones, remaining unsold in the packages in which they were shipped, at Lexington, Ky., consigned on June 10, 1920, by the Sterling Cone Co., St. Louis, Mo., from East St. Louis, Ill., alleging that the article had been transported from the State of Illinois into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sterling Brand Sweet Cake Ice Cream Cones Manufactured and Guaranteed By Sterling Cone Co. \* \* \* Saint Louis, Missouri \* \* \* Purest Made—Finest Grade."

Adulteration of the article was alleged in the libel for the reason that saccharin had been mixed and packed with, and substituted wholly or in part for, the article, for the further reason that it was mixed in a manner whereby its inferiority was concealed, and for the further reason that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged for the reason that the labeling, "Sterling Brand Sweet Cake Ice Cream Cones," was false and misleading and deceived and misled the purchaser into the belief that the product was sweetened with sugar, whereas it contained saccharin.

On April 13, 1921, no claimant having appeared for the property, and the case having come on for final disposition, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,  
*Acting Secretary of Agriculture.*

**9443. Misbranding of Arthur's Sextone Tablets. U. S. \* \* \* v. 10 Boxes of Arthur's Sextone Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13706. Inv. No. 23282. S. No. C-2513.)

On September 21, 1920, 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 10 boxes of Arthur's Sextone Tablets, at Pine Bluff, Ark., alleging that the article had been shipped on or about March 6, 1920, by the Palestine Drug Co., St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, 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 tablets were coated with sugar and calcium carbonate and contained iron, zinc, caffeine, a small amount of phosphate, and unidentified plant extractives.

It was alleged in substance in the libel that the article was misbranded for the reason that the following statements, regarding the curative and therapeutic effects of said article, appearing upon the wrapper and in the circular accompanying the same, (wrapper) " \* \* \* For Either Sex Composed of some of the Most Potent and Dependable Aphrodisiac Agencies Known to Medical Science. \* \* \* are offered as an aid to permanent improvement, rather than temporary results. \* \* \* Are Designed to Correct \* \* \* the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. Directions: Take \* \* \* until results indicate decided improvement \* \* \*," (circular) " \* \* \* Arthur's Sextone Tablets \* \* \* are very useful in treating cases of exhaustion of nervous energy, as they are composed of ingredients that not only stimulate the nervous system, particularly the Sexual Plexes, but in many cases nourish the nervous system and build it up," were false, fraudulent, and misleading inasmuch as the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it in said statements.

On April 26, 1921, 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.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*

**9444. Adulteration and misbranding of Aqua Nova Vita. U. S. \* \* \* v. 4 Bottles \* \* \* of Aqua Nova Vita. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14079. I. S. No. 5820-t. S. No. E-2947.)

On December 16, 1920, the United States attorney for the Western District of New York, 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 4 bottles, more or less, of Aqua Nova Vita, consigned by the Aqua Nova Vita Co., Lorain, Ohio, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped from Lorain, Ohio, on or about November 22, 1920, and transported from the State of Ohio into the State of New York, and charging adulteration and 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 was ordinary salt water, slightly radioactive, and that it contained B. coli in small quantities, which rendered it polluted.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal or vegetable substance.

Misbranding of the article considered as a food was alleged in substance for the reason that the bottles bore labels which contained statements regarding the article which were false and misleading in that the said statements imported that the article contained 12.50 [1250] M. U. of radio emanation, whereas, in truth and in fact, it contained a less amount of radio emanation, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article. 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 package. Misbranding of the article considered as a drug was alleged for the reason that the following statements appearing on the label on the bottles, to wit, " \* \* \* all forms of cancer \* \* \* ordinary scalp troubles, \* \* \* skin diseases \* \* \* is a Remedy in all Chronic Blood and Gland Diseases Hardening Of The Arteries High Blood Pressure or Arterio-