

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 23, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

9693. Misbranding of Dr. Eells' Vitalizing blood purifier. U. S. * * * v. Elbert Payton (F. Eells & Son Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12811. I. S. No. 8689-r.)

On August 6, 1920, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elbert Payton, trading as F. Eells & Sons Co., Centerville, Iowa, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 28, 1919, from the State of Iowa into the State of Missouri, of a quantity of Dr. Eells' Vitalizing blood purifier, which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution consisting essentially of sugar, Epsom salt, emodin-bearing plant material, and traces of volatile oils, consisting of wintergreen and sassafras.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and cartons containing the said article and in an accompanying circular, falsely and fraudulently represented it to be effective as a treatment, preventive, remedy, and cure for sick headache, dyspepsia, eruption of the skin, running ulcers, ringworm, rheumatism, scrofula, bilious disorders, diseases of the blood, stomach, liver, and bowels, palpitation of the heart, malaria, dizziness, despondency, female weakness, suppressed, irregular, and painful menstruation, leucorrhoea, chronic erysipelas, old sores, sore eyes, goiter, all diseases of the glandular system, falling of the womb, inflammation of the vagina and womb, and gall stones, and effective to renovate the blood, when, in truth and in fact, it was not.

On March 8, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

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

9694. Misbranding of The Texas Wonder. U. S. * * * v. 53 Bottles * * * of The Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12875. I. S. No. 9655-r. S. No. C-1961.)

On June 10, 1920, 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 53 bottles of The Texas Wonder, remaining unsold at Cincinnati, Ohio, consigned by E. W. Hall, St. Louis, Mo., on or about May 21, 1920, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "The Texas Wonder * * * E. W. Hall, Sole Manufacturer, * * * St. Louis, Mo."; (carton) "A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children"; (circular) "Read Carefully * * * In cases of 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 contained copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the cartons and in the circulars surrounding the bottles containing the article, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended.

On February 19, 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.*

9695. Adulteration and misbranding of rye middlings. U. S. * * * v. Shane Bros. & Wilson Co., a Corporation. Plea of guilty. Fine, \$5. (F. & D. No. 12882. I. S. No. 12154-r.)

On October 7, 1920, the United States attorney for the District of Minnesota, 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 Shane Bros. & Wilson Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 29, 1919, from the State of Minnesota into the State of Indiana, of a quantity of rye middlings which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 15.78 per cent of protein and 3.58 per cent of ether extract (crude fat). Examination by said bureau showed the presence of unground screenings.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, unground screenings, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for rye middlings, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, “Rye Middlings” and “Minimum Crude Protein 16.9% Minimum Crude Fat 4.1%,” borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article consisted wholly of rye middlings and contained not less than 16.9 per cent of crude protein and not less than 4.1 per cent of crude fat, 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 consisted wholly of rye middlings and contained not less than 16.9 per cent of crude protein and not less than 4.1 per cent of crude fat, whereas, in truth and in fact, it did not consist wholly of rye middlings but did consist in part of unground screenings, and contained less than 16.9 per cent of crude protein and less than 4.1 per cent of crude fat, to wit, approximately 15.78 per cent of crude protein and 3.58 per cent of crude fat.

On October 7, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

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