

10037. Misbranding of Gold Medal compound pills. U. S. * * * v. 31 Boxes of Gold Medal Compound Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14992. I. S. No. 187-t. S. No. C-3163.)

On August 20, 1921, the United States attorney for the Southern District of Illinois, 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 31 boxes of Gold Medal compound pills, remaining in the original packages at Springfield, Ill., alleging that the article had been shipped by the G. P. Steyh Importing Co., St. Louis, Mo., May 20, 1921, and transported from the State of Missouri into the State of Illinois, 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 it consisted of sugar-coated pills containing aloes, iron sulphate, and pennyroyal oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the circular accompanying the said article, regarding the curative and therapeutic effects thereof, to wit, "Gold Medal Compound Pills. Begin by taking one Pill before each meal * * * Four or five days before the expected appearance of the menstrual flow, drink freely * * * of hot ginger tea * * * in cases of suppressed menstruation," were false and fraudulent in that the said article contained no ingredient or ingredients capable of producing such effects.

On September 29, 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.*

10038. Misbranding of olive oil. U. S. * * * v. 35 Cans * * * of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15150. I. S. No. 5086-t. S. No. E-3493.)

On July 29, 1921, the United States attorney for the District of Massachusetts, 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 35 cans of olive oil, remaining unsold at Cambridge, Mass., alleging that the article had been shipped by N. P. Economou & Theodos, New York, N. Y., on or about April 30, 1921, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel 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, since the stated quantity, to wit, "Net Contents 1 Gal.," was incorrect and represented more than the actual contents of the said packages.

On September 26, 1921, N. P. Economou & Theodos, New York, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

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

10039. Misbranding of compound oil. U. S. * * * v. 38 One-Gallon Cans of Compound Oil. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 15282. Inv. Nos. 31442, 31533. S. No. E-3494.)

On July 29, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amended libel, for the seizure and condemnation of 38 one-gallon cans of compound oil, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Yohalem & Diamond, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about May 21, 1921, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Oil La Tosca Brand."

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the cans containing the said article bore the following

statements regarding the article and the ingredients and substances contained therein, to wit, " * * * Flavored With High Grade Genuine Olive Oil * * * 1 Gallon," which were false and misleading and deceived and misled the purchaser. 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.

On February 7, 1922, Nathan Yohalem and Joseph Diamond, New York, N. Y., claimants, having admitted the allegations of the libel and consented to a decree, 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.*

10040. Misbranding of cottonseed meal. U. S. * * * v. 400 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. Order of restoration. Product released under bond. (F. & D. No. 462-c.)

On July 2, 1919, the United States attorney for the District of Maine, acting upon a report by the Chief of the Bureau of Inspection of the Department of Agriculture of the State of Maine, filed in the District Court of the United States for said district a libel, and on July 17, 1919, an amended libel, for the seizure and condemnation of 400 sacks of cottonseed meal, remaining unsold in the original unbroken packages at Waterville, Me., alleging that the article had been shipped June 4, 1919, from Covington, Ga., and transported from the State of Georgia into the State of Maine, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that the sacks containing the same bore a label containing the following statements regarding the ingredients or substances contained therein, " * * * 100 Lbs. Good Cotton Seed Meal * * * Guaranteed Analysis Protein (Minimum) 36.00% * * * Ingredients: Made from upland cotton seed only," which label or inscription was false or misleading in that the said article did not contain protein in the amount of 36 per cent, but did contain an amount of protein materially less than 36 per cent.

On July 15, 1919, no claimant having appeared at that time for the property, judgment of condemnation, forfeiture, and sale was entered. On August 26, 1919, E. A. Clark & Co. having entered a claim for the property and having filed a bond in the sum of \$3,000, an order of restoration was entered by the court directing that the product be released to the said claimant, and on August 28, 1919, the said product was delivered as directed by the United States marshal.

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

10041. Misbranding of The Texas Wonder. U. S. * * * v. 87 Bottles of The Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 12231, 12232. I. S. Nos. 129-r, 130-r. S. Nos. E-2017, E-2023.)

On March 10, 1920, the United States attorney for the Southern District of Georgia, 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 87 bottles of The Texas Wonder, remaining unsold in the original packages at Valdosta, Ga., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about February 12 and 13, 1920, respectively, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, in part: (Carton) " * * * A Remedy For Kidney and Bladder Troubles Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children. * * *"; (circular headed "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 consisted essentially of copaiba, guaiac, rhubarb extract, colchicum extract, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the carton label and in the said circulars were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed therein.