

10164. Misbranding of Hall's catarrh medicine. U. S. * * * v. 9 Gross Bottles * * * and 3 Gross Bottles * * * of Hall's Catarrh Medicine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14069, 14070. I. S. Nos. 10411-t, 10412-t. S. Nos. W-816, W-817.)

On or about December 14, 1920, the United States attorney for the Southern District of California, 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 12 gross bottles of Hall's catarrh medicine, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Cheney Medicine Co., Toledo, Ohio, on or about August 25, October 11, and November 1, 1920, respectively, and transported from the State of Ohio 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 it consisted essentially of potassium iodid, bitter plant extractives, sugar, alcohol, and water, flavored with cardamom.

Misbranding of the article was alleged in substance in the libels for the reason that it was labeled in part as follows, (bottle, carton, and booklet) "Hall's Catarrh Medicine * * *," (bottle) "* * * valuable in the treatment of Catarrh * * *," (booklet) "* * * For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels, or Bladder. * * * a Blood Purifier * * *," which statements appearing on the labels and in the accompanying booklet were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On August 17, 1921, 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 disposed of according to law. The product was destroyed by the United States marshal.

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

10165. Misbranding of Lung Germine. U. S. * * * v. 8 Packages * * * of Lung Germine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15026. Inv. No. 35373. S. No. E-3423.)

On July 15, 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 8 packages of Lung Germine, remaining unsold at Boston, Mass., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about April 7, 1921, and transported from the State of Michigan into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid, alcohol, and water, with small amounts of iron sulphate, spices, and material derived from cod-liver oil.

Allegations in the libel as to the false and misleading statements with reference to the alcoholic content of the article and as to the false and fraudulent statements regarding its curative and therapeutic effect, appearing in the labeling thereof, are substantially the same as those set forth in detail in Notice of Judgment No. 9958, to which reference is made.

On November 14, 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.*

10166. Adulteration and misbranding of tankage. U. S. * * * v. The Schalker Packing Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 15067. I. S. No. 8081-r.)

At the October, 1921, term of the United States District Court within and for the District of Kansas, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Schalker Packing Co., a corporation, Leavenworth, Kans., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 28, 1919, from the State of Kansas into the State of Missouri, of a quantity of tankage which was adulterated and

misbranded. The article was labeled in part, "‘Fat Hog Tankage’ * * * From Schalker Packing Co. * * * Leavenworth, Kansas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 41.90 per cent of protein, 15.19 per cent of fat, and 3.98 per cent of crude fiber. Examination showed the presence also of hair, bone, oats, and grass.

Adulteration of the article was alleged in the information for the reason that substances, to wit, vegetable matter, stomach and intestinal contents, bones, and hair, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for fat hog tankage, to wit, feeding tankage, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Protein 60 65-100% Fat 26 22-100% Fibre 1 50-100%," borne on the sacks containing the article, regarding it and the substances and ingredients contained therein, were false and misleading in that they represented to the purchaser thereof that the article contained not less than 60.65 per cent of protein, not less than 26.22 per cent of fat and not more than 1.50 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was fat hog tankage, to wit, feeding tankage, and contained not less than 60.65 per cent of protein, not less than 26.22 per cent of fat, and not more than 1.50 per cent of fiber, whereas, in truth and in fact, the said article was composed in part of vegetable matter, stomach and intestinal contents, bones, and hair, and contained less protein than 60.65 per cent, less fat than 26.22 per cent, and more fiber than 1.50 per cent.

On October 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

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

10167. Adulteration and misbranding of mineral water. U. S. * * * v. 109 Cases * * * and 598 * * * Cans of * * * Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15333. I. S. No. 11003-t. S. No. W-1001.)

On August 27, 1921, the United States attorney for the District of Colorado, 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 109 cases, each containing one dozen bottles, and 598 five-gallon cans of mineral water, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Capon Springs Co., Winchester, Va., alleging that the article had been shipped from Winchester, Va., on or about June 22, 1921, and transported from the State of Virginia into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Cacapon Healing Water * * * Capon Springs Co. Capon Springs, W. Va."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a moderately mineralized water and that the dissolved mineral matter consisted chiefly of calcium bicarbonate. The analysis showed further that the sample was polluted.

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

Misbranding of the article considered as a food was alleged for the reason that the said article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the bottles, since it was a liquid and the contents were stated in pounds. Misbranding of the article considered as a drug was alleged for the reason that the following statements on the label, regarding the curative and therapeutic effect of the said article, to wit, "For Over Two Centuries Leading Physicians Have Prescribed Cacapon (Healing Water) For Many Diseases, Including Some Thought Incurable. * * * Drink * * * And Live * * * Tonic, Alterative And Diuretic, * * * I know of No Water Comparable To Capon for bladder and kidney troubles. * * * I have observed striking results in rheumatic gout, syphilitic rheumatism and chronic inflammation * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.