

the allegations of the libel and consented to a decree of condemnation and forfeiture, judgment of the court was entered finding the product to be adulterated and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the product be salvaged, the bad portion to be destroyed, and that the remainder, upon approval by a representative of this department, be delivered to the claimant without conditions.

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

10390. Misbranding of Allen's Ulcerine salve. U. S. * * * v. Charles W. Allen (J. P. Allen Medicine Co.). Plea of guilty. Fine, \$1. (F. & D. No. 11612. I. S. No. 5546-r.)

On June 14, 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 Charles W. Allen, trading as the J. P. Allen Medicine Co., St. Paul, Minn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 12, 1918, from the State of Minnesota into the State of Iowa, of a quantity of Allen's Ulcerine salve, which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of lead soap and linseed oil.

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 containing the said article and in the accompanying wrappers and booklets, falsely and fraudulently represented it to be effective as a treatment of chronic ulcers, bone ulcers, scrofulous ulcers, varicose ulcers, indolent ulcers, syphilitic ulcers, mercurial ulcers, gangrene, white swelling, and all old sores of long standing, blood poisoning and lock-jaw from open wounds, boils, felons, carbuncles, abscesses, piles, salt rheum, burns, scalds, gun shot wounds, bites of animals, bites of reptiles, and all poisoned and ulcerated wounds, cuts, and all fresh wounds, milk leg, erysipelas, sprains, swollen joints, and all old sores of every name and kind, no matter of how many years standing, and as a treatment for bone consumption, old running sores of all kinds, and inflammatory rheumatism, when, in truth and in fact, it was not.

On December 13, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1.

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

10391. Misbranding of olive oil. U. S. * * * v. William P. Bernagozzi. Tried to the court. Judgment of guilty. Fine, \$25. (F. & D. No. 13228. I. S. Nos. 14896-r, 14897-r, 14984-r, 15026-r.)

On November 2, 1921, the United States attorney for the Southern 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 an information against William P. Bernagozzi, New York, N. Y., alleging shipment by said defendant, on or about April 18, 1919, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of quantities of olive oil which was misbranded. The article was labeled in part: "Quarter Of Gallon Pure Olive Oil One Quart" (or "Half Gallon") "Pure Virgin * * * Imported and Packed by W. P. Bernagozzi * * *."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the cans contained less than the amount declared in the labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "One Quart," "Quarter of Gallon," or "Half Gallon," borne on the respective cans containing the said article, regarding the article, were false and misleading in that they represented that each of the said cans contained one quart or one quarter gallon or one half-gallon of the said article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one quart, one quarter-gallon, or one half-gallon of the said article, as the case might be, whereas, in truth and in fact, each of said cans did not contain one quart, one quarter-gallon, or one half-gallon of the said article but did contain a less amount. 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 January 25, 1922, the defendant having waived a jury trial and the case having come on before the court for hearing, after the submission of evidence and arguments by counsel the defendant was adjudged guilty and a fine of \$25 imposed.

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

10392. Misbranding of Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiol tablets. U. S. * * * v. 12 Dozen Boxes of * * * Pierce's Empress Brand Tansy * * * Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13347. I. S. Nos. 10014-t, 10015-t. S. No. W-670.)

On September 1, 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 a libel for the seizure and condemnation of 12 dozen boxes of Pierce's Empress Brand tansy, cotton root, pennyroyal and apiol tablets, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Robert J. Cotter, New York, N. Y., on or about March 25, 1920, and transported from the State of New York 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 the tablets contained iron sulphate, aloes, and pennyroyal oil.

Misbranding of the article was alleged in substance in the libel for the reason that the bottles or packages containing the said article and the accompanying circulars were each labeled in part as follows, (package) "* * * Tansy, Cotton Root, Pennyroyal and Apiol Tablets A Safe Emmenagogue. Always Reliable And Effective. The Best Known Remedy For The Suppression Of The Menstrual Function," (circular) "* * * Tansy, Cotton Root, Pennyroyal and Apiol Tablets * * * The Combined [Celebrated] Female Regulator * * * Delayed Menstruations When the suppression is of long standing * * * take one * * * until four days before the time when the menses should appear. * * * immediately preceding the expected appearance of the menstrual flow, active treatment should begin. Take one * * * three times daily, * * * follow * * * instructions * * * until the desired result is obtained. * * * Irregularities Where the menses are not regular, * * * are invaluable. Take * * * before the expected appearance of the menstrual flow [period] * * *," which statements 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 April 6, 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.*

10393. Adulteration of coal-tar color. U. S. * * * v. One 1-Pound Can and 3 1-Pound Cans of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14819. I. S. No. 2567-t. S. No. C-2987.)

On April 19, 1921, the United States attorney for the Eastern District of Louisiana, 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 one 1-pound can and 3 1-pound cans of coal-tar color, remaining unsold in the original unbroken packages at Houma, La., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about February 25 and March 15, 1921, respectively, and transported from the State of Missouri into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "No. 90, Lb. 1 Net W. B. Wood Mfg. Co., St. Louis, Mo. Yellow" and "1 Lb. Net W. B. Wood Mfg. Co. * * * Complies with all requirements. Warranted Quality Color Number 710 Contents Yellow" or "Contents Red."

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it con-