name of another article, to wit, olive oil, and for the further reason that it was food in package form, and the quantity of the contents not plainly and conspicuously marked on the outside of the packages since the statements made thereon were not correct.

On October 10, 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 sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10882. Misbranding of 999 nerve tonic. U. S. v. 10 Boxes of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14890. I. S. No. 8059–t. S. No. E–3350.)

On May 3, 1921, the United States attorney for the District of New Jersey, 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 999 nerve tonic, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by the Combination Remedy Co., Pittsburgh, Pa., on or about April 10, 1921, and transported from the State of Pennsylvania into the State of New Jersey, 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 capsules containing phosphorus and extracts of nux vomica and damiana.

Misbranding of the article was alleged in substance in the libel for the reason that the statements on the label of the box containing the said article, to wit, "* * * Nerve Tonic * * * the best possible remedy for nervous disorder and lost vitality, no matter from what cause," were false and fraudulent in that the said statements were applied to the said article so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it possessed the curative and therapeutic qualities claimed, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 9, 1922, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10883. Adulteration and misbranding of tuna fish. U. S. v. Henry L. Stafford, Herbert S. Stafford, and Albert Wedum (The Stafford Packing Co.). Pleas of guilty. Fine, $50. (F. & D. No. 14940. I. S. Nos. 1–r, 13994–r.)

On September 20, 1921, 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 an information against Henry L. Stafford, Herbert S. Stafford, and Albert Wedum, trading as the Stafford Packing Co., Wilmington, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 28, 1919, from the State of California into the State of New York, of a quantity of canned tuna fish which was adulterated and misbranded. The article was labeled in part: (Cans) "De Luxe Brand Striped California Tuna * * * Packed by Stafford Packing Co. Wilmington, Cal."

Examination of the consignment by the Bureau of Chemistry of this department showed that a large number of the cans contained Bonita.

Adulteration of the article was alleged in the information for the reason that Bonita fish had been mixed and packed therewith, so as to lower and reduce and injuriously affect its quality and had been substituted in part for California striped tuna fish which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "California Striped Tuna," borne on the label attached to the cans containing the article, regarding the said article, was false and misleading in that the said statement represented that the article consisted wholly of California striped tuna fish, and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it consisted wholly

of California striped tuna fish, whereas, in truth and in fact, it did not so consist, but did consist in part of Bonita fish. Misbranding was alleged for the further reason that the article was a product composed in part of Bonita fish, and was offered for sale and sold under the distinctive name of another article, to wit, California striped tuna.

On June 12, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10884. Misbranding of Giepsi Vemela. U. S. v. 10 Small Bottles and 11 Large Bottles of Giepsi Vemela. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14946. I. S. Nos. 10796-t, 10797-t. S. No. C-3002.)

On June 16, 1921, the United States attorney for the Western District of Texas, 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 small bottles and 11 large bottles of Giepsi Vemela, remaining in the original packages at El Paso, Texas, alleging that the article had been shipped by the Giepsi Vemela Co., Douglas, Ariz., on or about November 20, 1920 (in part, May 20, 1920), and transported from the State of Arizona into the State of Texas, 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 plant extractives, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appeared on the cartons and bottles containing the article and in the accompanying circular, (cartons, English and Spanish) " * * * for the tuberculosis, colds, coughs, anemia and general debility," (bottles, English and Spanish) " * * * It is recommended for tuberculosis, colds, coughs, anemia and general debility * * * In serious cases," (circular, English) "Giepsi Vemela * * * excellent results * * * obtained in the treatment of all impurities of the blood * * * and for the results that have been obtained in the treatment of tuberculosis. * * * For the impurities of the blood, such as pimples, tumors, fistula, swelling of the feet, ankles and legs, and irritation of the blood. * * * For coughs, colds, bronchitis, whooping cough, sore throat * * * If * * * you want your body to be strong to stand the effects of cold weather, we recommend you to take one or two bottles and you will be surprised to see how well it will build you up. For disorders and sickness of the stomach * * * For anemia, tuberculosis and general debility * * * tuberculosis of the stomach and Bowels * * * my stomach was so badly infected that I could not eat * * * Since I have been taking this Giepsi Vemela I can eat any kind of food, and can do a man's work, before taking it I could not. * * * Giepsi Vemela has cured me * * * This medicine is not only a good medicine for Tuberculosis but for coughs and colds, and weak stomach, and lungs," (circular, Spanish) "The Specific 'Giepsi Vemela' Is today recognized among the most highly estimated remedies by the excellent results it has demonstrated in the treatment of diseases of the blood * * * ; also for the results which have been demonstrated in the treatment of Phthisis, even in the third period. * * * impurities of the blood which are manifested in the following forms: Pimples, Tumors, Ulcers in the Throat or Nose, swellings which Appear without Cause, Irritations of the Skin and Lockjaw. This medicine is recommended especially for Anemia, Catarrh, Colds, Bronchitis, Coughs and Whooping Cough, Sore Throat and Hoarseness, for Diseases of the Stomach such as Colic, Sick Stomach, General Debility, Diarrhea and Cramps * * * Tuberculosis, Bronchitis, Catarrhal Colds, Coughs and Whooping Cough, Sore Throat and Hoarseness, Tumors, Fistulas, Swellings, Lockjaw, Blackheads * * * For disease of the stomach, such as sick stomach, colic, general debility, diarrhea and cramps * * * In serious cases * * * I suffered with a cough for ten years * * * A bottle of 'Giepsi Vemela' * * * completely restored my health. * * * as a result of pneumonia I had suffered a serious complication of the stomach called tuberculosis of the large intestine. My brother came to visit me, bringing a bottle of Giepsi Vemela. * * * Having taken the first bottle I felt much better. I took three more and * * * am today completely restored, therefore I recommend it as a marvel * * * For more than a year I suffered with a violent cough * * * Finally 'Giepsi Vemela' was recom-