

condemnation of 528 packages, 35-cent size, 309 packages, 65-cent size, and 41 packages, \$1.25 size, of Egyptian regulator tea, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Kells Co., Newburgh, N. Y., between the dates of January 8 and November 27, 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 it consisted of compressed herbs, including senna, coriander, dog grass, licorice root, ginger, sambucus, cinnamon, and dandelion root.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, appearing in the accompanying white circulars and in the blue wrappers, (white circular, all sizes) "Egyptian Regulator Tea a Speedy and Positive relief for Dyspepsia, Liver Complaint, Sick Headache, Nervousness. \* \* \* Nature's Own Gift to Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, whether Male or Female, Old or Young. \* \* \* Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. \* \* \* Lung Trouble and Consumption, Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look \* \* \* diabetes \* \* \* Malaria \* \* \* killing the Disease Germs \* \* \* Heart Troubles, Paralysis, Rheumatism, Gout \* \* \* apoplexy," (blue wrapper, 35-cent and 65-cent sizes) "Egyptian Regulator Tea a Remedy for \* \* \* Dyspepsia, sick headaches, and all disorders of the stomach, its daily use will purify the blood remove all blotches from the face and restore the complexion. Ladies will find this a valuable remedy for all female complaints, also for liver and kidney troubles," (blue wrapper, \$1.25 size) "Egyptian Regulator Tea an Excellent Remedy for \* \* \* Dyspepsia \* \* \* Rheumatism, Nervousness, Liver Complaints, Sick Headache, Corpulency, etc. \* \* \*," 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 May 9, 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.*

**10962. Adulteration and misbranding of Wine-O and Strawberri beverages. U. S. v. James H. Duncan (Astoria Soda Works). Plea of guilty. Fine, \$50. (F. & D. No. 14560. I. S. Nos. 10304-t, 10305-t.)**

On July 23, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James H. Duncan, trading as the Astoria Soda Works, Astoria, Oreg., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 23, 1920, from the State of Oregon into the State of Washington, of quantities of Wine-O and Strawberri beverages, respectively, which were adulterated and misbranded. The articles were labeled in part, respectively: "Wine-O Flavored With Fruit and Berry Juices \* \* \* Astoria Soda Works Sole Manufacturers \* \* \*;" "Purity ASW Strength Strawberri \* \* \* Astoria Soda Works Astoria, Oregon."

Analysis of a sample of the Wine-O by the Bureau of Chemistry of this department showed that it was a beverage containing a little natural flavoring, artificially colored and flavored, and containing saccharin; analysis of a sample of the Strawberri by said bureau showed that it was a carbonated beverage, artificially colored and flavored and containing saccharin.

Adulteration of the articles was alleged in the information for the reason that an artificially colored mixture containing saccharin and flavored with phosphoric acid, with respect to the Wine-O, and a product made from strawberries artificially flavored and which contained a large proportion of saccharin, with respect to the Strawberri, had been substituted in whole or in part for "Wine-O Flavored With Fruit and Berry Juices," or "Purity Strength Strawberri," to wit, a product made from strawberries, as the case might be, which the said articles purported to be. Adulteration was alleged with respect to the

Wine-O for the further reason that it was a product inferior to a beverage flavored with fruit and berry juices, to wit, a mixture containing saccharin and flavored with phosphoric acid, and was colored with certain coal-tar dyes, to wit, amaranth and orange I, so as to simulate the appearance of a beverage flavored with fruit and berry juices and in a manner whereby its inferiority to such a beverage was concealed. Adulteration was alleged with respect to the Strawberry for the further reason that it was an article inferior to a product made from strawberries, to wit, a mixture artificially flavored and which contained a large portion of saccharin, and was colored with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of a product made from strawberries and in a manner in which its inferiority to such product was concealed. Adulteration was alleged with respect to both products for the reason that they contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render the said articles injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Wine-O Flavored With Fruit and Berry Juices," together with the design and device of peaches, grapes, apples, pineapple, strawberry, and orange, borne on the labels attached to the bottles containing the Wine-O, and the statement, "Purity Strength Strawberry," borne on the labels attached to the bottles containing the Strawberry, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that they represented that the said articles were beverages flavored with fruit juices or a product made from strawberries, as the case might be, and for the further reason that the Wine-O was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a beverage flavored with fruit and berry juices, whereas, in truth and in fact, the said Wine-O was not a beverage flavored with fruit and berry juices, but was an artificially colored mixture containing saccharin, flavored with phosphoric acid, and which contained little or no fruit and berry juices, and the said Strawberry was not a product made from strawberries, but was a mixture artificially flavored and colored and which contained saccharin. Misbranding was alleged with respect to the Strawberry for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On August 1, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

**10963. Misbranding of Lung Germine. U. S. v. 30 Bottles of Lung Germine. Default decree of condemnation and forfeiture. Product disposed of according to law. (F. & D. No. 15090. I. S. No. 10718-t. S. No. W-988.)**

On June 27, 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 a libel for the seizure and condemnation of 30 bottles of Lung Germine, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Lung Germine Co., Jackson, Mich., alleging that the article had been shipped from Jackson, Mich., on or about January 29 and May 2, 1921, and transported from the State of Michigan 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 sulphuric acid and water, with small quantities of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

It was alleged in substance in the libel that the article was misbranded in that the bottles and cartons containing the said articles were labeled in part as follows, (bottle) "Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) \* \* \* Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle \* \* \* " (carton) "\* \* \* Use no other lung medicine when using Lung Germine. Read carefully the circular accompanying this bottle. \* \* \* Your lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pain in chest and sides? Do you spit yellow black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symp-