

**11038. Adulteration and misbranding of vinegar. U. S. v. 80 Barrels and 15 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 16601, 16615. I. S. Nos. 3115-t, 3116-t. S. Nos. C-2919, C-2921.)

On July 10, 1922, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 95 barrels of vinegar, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the Brocton Products Co., Brocton, N. Y., in part on or about March 28, and in part on or about April 5, 1922, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Brocton Fruit Products Co. Net Contents 51 Gals Cider Vinegar 40 Grain Brocton N. Y." The remainder of the article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced With Water To 40% Acetic Acid \* \* \* Distributed By National Vinegar Company Buffalo, N. Y."

Adulteration of the article was alleged in the libels for the reason that evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the respective statements, to wit, "Brocton Fruit Products Co. \* \* \* Cider Vinegar" and "Pure Cider Vinegar Made From Apples \* \* \* Distributed By National Vinegar Company \* \* \*," appearing on the barrels containing the article involved in the respective consignments, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On August 2, 1922, the Brocton Products Co., Brocton, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,200, in conformity with section 10 of the act.

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

**11039. Adulteration of grapefruit. U. S. v. 267 Cases and 276 Cases of Grapefruit. Consent decrees providing for the destruction of the product.** (F. & D. No. 16802. I. S. Nos. 3505-v, 3507-v, 3508-v. S. Nos. E-4161, E-4162.)

On or about August 21, 1922, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 543 cases of grapefruit at San Juan, P. R., alleging that the article had been offered for shipment into the State of New York by the Candelaria Packing House, Bayamon, P. R., in part August 1 and in part August 19, 1922, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grapefruit Blue Bird Brand Candelaria Packing House Bayamon Porto Rico."

Adulteration of the article was alleged in the libels for the reason that a product, to wit, immature grapefruit artificially colored, had been mixed and packed with and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby its inferiority was concealed.

On September 5, 1922, George I. Elkins having entered an appearance as claimant for the property and having consented to its destruction but praying for the return of the boxes in which the said product was packed, it was ordered by the court that the United States marshal destroy the product and return the boxes to the said claimant after the removal of the grapefruit.

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

**11040. Misbranding of Brou's injection. U. S. v. 60 Dozen Bottles of Brou's Injection. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 10268. I. S. No. 2764-r. S. No. W-349.)

On May 13, 1919, the United States attorney for the Northern 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 60 dozen bottles of an article of drugs labeled in

part, "Brou's Injection \* \* \* E. Fougera & Co., Inc. Importers N. Y.," alleging that the article had been shipped from New York, N. Y., December 5, 1918, 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. The article was labeled in part: (Bottle) "Hygienic and Preservative Brou's Injection," (French) "Against Runnings or discharges (Les Ecoulemens) recent or chronic and Against White Flowers, Leucorrhoea;" (booklet, French) "Blenorrhagia \* \* \* Blenorrhoea \* \* \* Leucorrhoea or white Flowers White losses Their Treatment \* \* \* Blenorrhagia urethral, or gonorrhoea \* \* \* The beginning of Blenorrhagia \* \* \* It is at this moment that one should have recourse to the use of Brou's Injection \* \* \* It is of immense importance to the patient to rid himself as quickly as possible of his discharge \* \* \* If one has waited too long before having recourse to Brou's Injection \* \* \* In cases where one has left the inflammation to show itself it is necessary to wait till it has stopped \* \* \* when the discharge has changed color and becomes yellow it is necessary to begin the treatment by the injection. \* \* \* Thus employed Brou's Injection will always give good results. The treatment by injection constitutes the treatment par excellence of blenorrhoea \* \* \* Far from producing strictures injections prevent them by curing their usual causes that is to say prolonged inflammation of the mucous membranes and its extention to underlying tissues \* \* \* These injections act on the mucous membrane \* \* \* and facilitates its return to a state of health. Brou's Injection is not solely tonic and astringent but also isolating, which explains its success in the treatment of blenorrhoea. It coats the canal with a medicament which keeps the walls isolated. Leucorrhoea, white flowers, white Losses \* \* \* The treatment consists of Injection Brou \* \* \* This treatment \* \* \* will not be long in bringing a complete cure \* \* \* Injection Brou is hygienic and preservative \* \* \* It is preservative (preventive) because by taking an injection after an impure contact \* \* \*," (English, French, Italian, German, Spanish, Portuguese, and other languages) "Brou's Injection Hygienic and Preservative For the cure all recent and chronic discharges of the urinary organs. (Gonorrhoea, Leucorrhoea, and Glett.) Brou's Injection will always be more successful, if it be used immediately after the first appearance of the disease. \* \* \* Brou's Injection used as preservative \* \* \* use the injection."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphates and acetates of lead and zinc, opium alkaloids, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the bottles and in the booklets, as aforesaid, and in an accompanying circular, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 11, 1919, E. Fougera & Co., New York, N. Y., claimant, having consented to a decree, an order was entered by the court adjudging the product to be misbranded, and it was further ordered that the said product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

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

**11041. Misbranding of Dr. Burkhardt's vegetable compound. U. S. v. 6 Dozen, et al., Packages of Dr. Burkhardt's [Burkhardt's] Vegetable Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13046, 13047. I. S. Nos. 10352-t, 10353-t. S. Nos. W-625, W-626.)**

On July 14, 1920, the United States attorney for the Northern 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 6 dozen packages, 25-cent size, 6½ dozen packages, 50-cent size, and 32 packages, \$1 size, of Dr. Burkhardt's [Burkhardt's] Vegetable Compound, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by W. S. Burkhardt [Burkhardt], Cincinnati, Ohio, in various consignments on April 14, May 1, and May 12, 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 the pills consisted essentially of aloes, capsicum, and podophyllum.