

11185. Misbranding of Dr. DeWitt's eclectic cure and Dr. DeWitt's liver, blood, and kidney remedy. U. S. v. 2 Dozen Bottles, et al., of Dr. DeWitt's Eclectic Cure and 9 Bottles, et al., of Dr. DeWitt's Liver, Blood, and Kidney Remedy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16450, 16451, 16452, 16453, 16454, 16455, 16462, 16463, 16464, 16472, 16473, 16474. S. Nos. E-3966, E-3976, E-3979, E-3980, E-3981, E-3984, E-3985, E-3986.)

On June 23, 26, and 27, 1922, respectively, the United States attorney for the Eastern District of North Carolina, 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 15½ dozen bottles of Dr. DeWitt's eclectic cure and 7½ dozen bottles of Dr. DeWitt's liver, blood, and kidney remedy, remaining in the original unbroken packages, in various lots, at Belhaven, Elizabeth City, Oriental, New Bern, Goldsboro, and Wilson, N. C., alleging that the articles had been shipped by the W. J. Parker Co., Baltimore, Md., between the dates of March 9 and 28, 1922, and transported from the State of Maryland into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The Dr. DeWitt's eclectic cure was labeled in part: (Bottle) "Cure * * * For Cramps, Colic and Diarrhoea * * * Indigestion * * * Horse Colic;" (carton) (English) "Cure * * * for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * Cholera * * * Cholera Morbus * * * Rheumatism and pains generally * * * Sprains or Frosted Feet," (French and other foreign languages) "Cure for the relief of pains of the Stomach and Intestines, Colics and intestinal Cramps and Diarrhoea;" (circular) (in shipping package) "Cure * * * for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * spasmodic attacks * * * Swelling of the Stomach * * * Sprains * * * Horse Colic * * * Chicken Cholera." The Dr. DeWitt's liver, blood, and kidney remedy was labeled in part: (Bottle and circular) "Recommended for Relief of Diabetes;" (bottle, carton, and circular) "Dr. DeWitt's Liver, Blood and Kidney Remedy * * * Recommended for Relief of Inflammation of the Bladder, Malaria, General Debility, Pains Under Shoulder Blades, Back and Sides And Diseases arising from Derangement of the Kidneys and Liver;" (carton only) "Blood Purifier and for Kidney and Liver Diseases."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the eclectic cure consisted of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, 67 per cent of alcohol, and water, and that the liver, blood, and kidney remedy consisted of Epsom salt, extracts of plant drugs, including senna and buchu, a trace of iodid, 11 per cent of alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements, designs, and devices, regarding the therapeutic or curative effects of the said articles, appearing in the labeling thereof, were false and fraudulent since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On October 6, 10, 17, and 24, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

11186. Adulteration of shell eggs. U. S. v. 25 Cases of Eggs. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 16678. I. S. No. 3852-v. S. No. C-3704.)

On or about July 14, 1922, the United States attorney for the Northern District of Iowa, 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 25 cases of eggs at Sioux City, Iowa, alleging that the article had been shipped by the Farmers Union Cooperative Assoc., from Carroll, Nebr., on or about July 6, 1922, and transported from the State of Nebraska into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason

that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On October 21, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

11187. Misbranding of butter. U. S. v. 30 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16773. I. S. No. 3015-v. S. No. B-4139.)

On August 25, 1922, the United States attorney for the Northern District of Georgia, 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 cases, each containing 32 cartons of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., on or about August 14, 1922, and transported from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Brookfield Creamery Butter 1 Lb. Net * * * Swift & Company Distributors."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, to wit, "1 Lb. Net," was false and misleading and deceived and misled the purchaser. 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 September 9, 1922, the Cumberland Valley Creamery, Inc., Nashville, Tenn., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 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 \$350, in conformity with section 10 of the act.

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

11188. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of forfeiture. Product released under bond. (F. & D. No. 16774. I. S. No. 3016-v. S. No. E-4146.)

On August 25, 1922, the United States attorney for the Northern District of Georgia, 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 tubs of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Great Atlantic & Pacific Tea Co., from Chicago, Ill., on or about August 8, 1922, and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy Butter The Great Atlantic & Pacific Tea Co. Atlanta, Ga. Chicago, Ill. 5792."

Adulteration of the article was alleged in substance in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, for the further reason that a substance, to wit, water, had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent thereof, to wit, butterfat, had been wholly or in part abstracted therefrom.

Misbranding was alleged in substance for the reason that the statement borne on the label and on the packages containing the article, regarding the same and the contents of the said packages, to wit, "Extra Fancy Butter," was false and misleading and deceived and misled purchasers. 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 September 2, 1922, the Great Atlantic & Pacific Tea Co. having entered an appearance as claimant for the property and having admitted the allegations contained in the libel, judgment was entered by the court declaring the product forfeited and providing that it might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$230, in conformity with section 10 of the act, conditioned in part that it be remade into butter of legal composition.

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