

that you were not certain which was right. If, on the whole evidence in this case, such a question and doubt has arisen in your mind as to whether or not the eggs at the time they were shipped and delivered for shipment by the defendant were in fact decomposed and adulterated within the meaning of the act, or if there is such a doubt in your mind with reference to whether the eggs as examined by the Government's agents in Duluth on the 31st day of July were the same eggs that were shipped by this defendant, then you have a reasonable doubt and you should acquit this defendant. If, on the other hand, after fully considering all of the facts and the circumstances in this case, you can say to yourself that you are morally certain, that you have an abiding faith, that these eggs shipped by the defendant on the 19th day of July, 1919, were at that time decomposed and rotten to the extent that they were unfit for use, then you are convinced beyond a reasonable doubt and your verdict should be guilty.

"You are the sole judges of the credibility of the witnesses and the weight that should be given their testimony, and in weighing the testimony you should adopt such reasonable tests and standards with reference to the witnesses and the weight to be given their evidence as reasonable, prudent men would use in searching for truth with reference to their own affairs in life. You have a right, of course, to take into consideration the appearance of a witness, what he testified to, his means of knowledge, apparent candor or lack of candor, and all other circumstances that impress you as being worthy of consideration.

"The defendant himself is a competent witness in his own behalf, he has testified in this case, and you should weigh his evidence and apply to his testimony the same rules and standards which you do to other witnesses, bearing in mind, of course, that he is the defendant and has some interest in the case, and if you should find and believe from the evidence that any witness has sworn falsely you may disregard his entire testimony or such parts of it as is not corroborated by other creditable evidence or circumstances surrounding the case that give credibility to it.

"Now, gentlemen, I have prepared two forms of verdict in this case: One is 'We, the jury, find the defendant guilty' and the other is 'We, the jury, find the defendant not guilty.'

"Are there any exceptions?"

The jury thereupon retired, and after due deliberation returned a verdict of not guilty.

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

11331. Misbranding of Egyptian regulator tea. U. S. v. 8 Dozen Packages of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14456. I. S. No. 4771-t. S. No. C-2801.)

On or about February 15, 1921, the United States attorney for the Northern 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 8 dozen packages of Egyptian regulator tea, remaining in the original packages at Fort Worth, Tex., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., on or about November 29, 1920, and transported from the State of Indiana into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "Egyptian Regulator Tea * * * A Speedy and Positive relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness * * * Nature's Own Gift To Dyspeptic, Debilitated Men, to Worn-out, 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;" (wrapper) "Egyptian Regulator Tea A Remedy For * * * Dyspepsia, Sick Headache, 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 trouble."

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 above-quoted statements appearing in the labeling were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it in the said statements.

On February 12, 1923, 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.*

11332. Misbranding of La Derma vagiseptic discs, Bick's sextone pills, Arthur's sextone tablets, Arthur's sextone pills [tablets], Bick's nerve tonic, Bick's sarsaparilla compound, Bick's Daisy 99, Thomas' emmenagogue pills, Arthur's emmenagogue pills, and Leslie's emmenagogue pills. U. S. v. 6 Packages of Vagiseptic Discs, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14823, 14826, 14829, 14962, 14985, 15097, 15164, 15173. S. Nos. C-2989, C-2991, C-2992, C-2993, C-3062, C-3063, C-3064, C-3065, C-3066, C-3067, C-3089, C-3100, C-3101, C-3119, C-3120.)

On April 21, April 22, May 27, June 1, June 28, July 15, and July 20, 1921, respectively, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 31 boxes of La Derma vagiseptic discs and 6 packages of vagiseptic discs, 59 packages of Bick's sextone pills, 28 packages of Arthur's sextone tablets, 5 packages of Arthur's sextone pills [tablets], 28 packages of Bick's nerve tonic, 9 bottles of Bick's sarsaparilla compound, 6 packages of Bick's Daisy 99, 30 packages of Thomas' emmenagogue pills, 48 packages of Arthur's emmenagogue pills, and 42 packages of Leslie's emmenagogue pills, remaining in various lots at Tyler, Lufkin, and Jacksonville, Tex., respectively, alleging that the articles had been shipped by the Palestine Drug Co., from St. Louis, Mo., between the dates of October 24, 1919, and November 5, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Vagiseptic discs) (wrapper) "* * * for * * * Amenorrhoea and other Uterine and Vaginal Disorders," (circular) "For * * * Amenorrhoea * * * Ulceration of the Uterus and Catarrh of the Uterus * * * Gonorrhoea;" (Bick's sextone pills) (box) "Sextone Pills * * * Composed of * * * Aphrodisiac Agencies;" (Arthur's sextone tablets) (wrapper) "Designed to Correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. * * * Sextone Tablets For Either Sex Composed of * * * the Most Potent and Dependable Aphrodisiac Agencies," (circular) "Sextone Tablets * * * cases of exhaustion of nervous energy * * * stimulate * * * the Sexual Plexes * * * nourish the nervous system and build it up;" (Bick's nerve tonic) (wrapper) "Nerve Tonic * * * for Nervous Prostration and bodily aches and pains * * * a nerve * * * tonic * * * for all female complaints * * * for Weakness, Nervousness, Headache, Kidney Trouble, and loss of Power in either Sex * * * for female weakness heart trouble and where a general breakdown of the nervous system exists;" (Bick's sarsaparilla compound) (bottle) "* * * to be taken regularly as long as impurity exists in the blood * * * one of the best remedies in existence for purposes claimed. Remember that constitutional diseases or diseases of long standing cannot be cured in a week or so by any remedy," (wrapper) "* * * for the treatment of all diseases due to Impure Blood such as Chronic Rheumatism, Secondary Syphilis, Scrofula, Pimples, Boils, Etc. * * * is especially and specifically designed to give the greatest possible benefit in the treatment of diseases due to impure and impoverished blood;" (Bick's Daisy 99) (wrapper) "Bick's Daisy 99 * * * Gonorrhoea Gleet and functional ailments of the Kidneys and Bladder in both Male and Female;" (Thomas' emmenagogue pills, Arthur's emmenagogue pills, and Leslie's emmenagogue pills) (box) "Emmenagogue Pills recommended for Amenorrhoea, Dysmenorrhoea and other Menstrual Troubles * * * beginning treatment * * * before the regular monthly period * * * continue * * * until relief is obtained."