

seizure and condemnation of 250 pounds and 170 pounds of creamery butter at Memphis, Tenn., alleging that the article had been shipped by the Sardis Creamery Co., from Sardis, Miss., August 3, 1923, and transported from the State of Mississippi into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Clearbrook Creamery * * * Butter Net Weight One Pound." The remainder of the article was labeled in part: "Lakeview Creamery Butter * * * Net Weight One Pound."

Adulteration of the article was alleged in substance in the libel for the reason that butter containing excessive moisture had been mixed and packed with and substituted for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted therefrom.

Misbranding of the article was alleged for the reason that the statement, "One Pound," was false and misleading and deceived and misled the purchaser, and for the further reason that it 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 4, 1923, the Sardis Creamery Co., Sardis, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered ordering 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 \$150, in conformity with section 10 of the act, conditioned in part that the product be reworked and repacked to meet the objections set forth in the said libel.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11870. Misbranding of Vitalo, Parrott sexual pills, and Allan's compound extract of damiana. U. S. v. 6 Bottles of Vitalo, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15769, 15770, 15792, 15814, 15815, 15816, 15817, 16076, 16077. S. Nos. C-3456, C-3457, C-3475, C-3486, C-3487, C-3488, C-3489, C-3490, C-3491, C-3500, C-3501.)

On April 12, 14, and 28, 1922, respectively, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on August 31, 1922, an amendment to one of the said libels, praying the seizure and condemnation of 109 bottles of Vitalo, 75 packages of Parrott sexual pills, and 58 bottles of Allan's compound extract of damiana, remaining in the original unbroken packages in various lots at Monroe, Shreveport, Minden, Vivian, Alexandria, and Lake Charles, La., respectively, alleging that the articles had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., between the dates of August 31, 1918, and January 27, 1922, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the Vitalo was labeled in part: (Bottle, both sizes) "Aphrodisiac;" (carton, both sizes) "Aphrodisiac;" (carton, small size) "An Aid In Relieving General Weakness." A second lot of the Vitalo was labeled in part: (Bottle and carton) "Vitalo * * * Nerve and Muscle Tonic;" (carton, additional) "Remedy * * * For General Weakness * * * Nervous Debility * * * for the Nerves, Brain, and Muscles. A third lot of the Vitalo was labeled in part: (Bottle) "Vitalo * * * Nerve And Muscle Tonic For Both Sexes;" (carton) "Vitalo * * * Aphrodisiac May Be Used By Both Sex. This Remedy Acts As An Aid In Relieving General Weakness." A portion of the Parrott sexual pills was labeled in part: (Box and circular) "Sexual Pills A Tonic For Both Sex * * * For Hysteria, Dizziness, Nervous Prostration, Nervous Debility and General Weakness." The remainder of the said Parrott sexual pills was labeled in part: (Box and circular) "Sexual Pills * * * Recommended for Hysteria, Dizziness, Nervous Prostration, Nervous Debility and General Weakness." A portion of the Allan's compound extract of damiana was labeled in part: (Bottle and carton) "A Tonic For Both Sex;" (carton, additional) "Aphrodisiac * * * For General Weakness * * * Nervous Debility." The remainder of the said Allan's compound was labeled in part: (Bottle) "A Tonic For Both Sex;" (carton) "Aphrodisiac * * * Diuretic * * * Useful In Nervous Debility * * * An Excellent Remedy For General Weakness." The labels of the said Allan's compound bore a design of a

male figure holding to his lips the left hand of a female figure, his right arm at her back and his right hand resting on her shoulder, holding her right hand.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Vitalo consisted of extracts of plant drugs, including damiana and nux vomica, sugar, alcohol, and water, that the Parrott sexual pills contained strychnine and a compound of iron and phosphorus, coated with calcium carbonate, and that Allan's compound extract of damiana consisted of extracts of plant drugs, including nux vomica, sugar, alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the labeling of the respective articles bore statements regarding their curative and therapeutic effects which were false and fraudulent, in that the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. Misbranding was alleged with respect to the said Vitalo for the further reason that the label on the bottles containing the article failed to bear a statement of the quantity or proportion of alcohol contained therein.

On October 16, 1922, December 11, 1922, and April 2, 1923, respectively, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11871. Misbranding of Tubbs white pine cough cure and Tubbs' condition powder. U. S. v. 20 Bottles, et al., of Tubbs White Pine Cough Cure and 24 Packages, et al., of Tubbs' Condition Powder. Consent decrees of condemnation and forfeiture with respect to 58 dozen bottles of Tubbs white pine cough cure and product released under bond to be relabeled. Default decrees of condemnation, forfeiture, and destruction with respect to remainder of products. (F. & D. Nos. 16156, 16157, 16158, 16159, 16160, 16161, 16162. S. Nos. C-3555, C-3556, C-3557, C-3558, C-3559, C-3560, C-3561.)

On April 29, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 75½ dozen bottles of Tubbs white pine cough cure and 43 packages of Tubbs' condition powder, remaining in the original unbroken packages at Cloquet, Duluth, and Cromwell, Minn., respectively, alleging that the articles had been shipped by the Tubbs Medicine Co., from River Falls, Wis., between the dates of February 26, 1921, and April 8, 1922, and transported from the State of Wisconsin into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cough cure consisted essentially of pine tar, extract of a bark, chloroform, sugar, alcohol, and water, and that the condition powder consisted essentially of ground oil cake, nux vomica, charcoal, sulphur, soda, salt, copperas, and potassium nitrate.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing on the labels of the bottles containing the cough cure, "Tubbs White Pine Cough Cure * * * For * * * Croup, Whooping Cough & Relief in Consumptive Cases. * * * Take one teaspoonful every 30 minutes till relief is certain. Larger doses do not hasten a cure," and the following statements appearing in the labeling of the condition powder, "Tubbs' Condition Powder * * * It is an invaluable remedy for * * * Distemper * * * Mange, Coughs * * * Boils, Pink Eye, Epizootic * * * For Horses * * * for * * * Coughs, Distemper * * * Heaves, Influenza * * *. Distemper and Epizootic readily overcome by using a tablespoonful three times a day. * * * prevents * * * heaves * * * For Cows * * * To prevent garget, milk-fever * * * For Calves * * * prevent scours * * * For Hogs To prevent cholera * * * For Poultry Cholera, Roup, Gapes," regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since the said products contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On July 20, 1922, the Tubbs Medicine Co., River Falls, Wis., having appeared as claimant for 58 dozen bottles of the cough cure and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$200, in conformity with section 10 of the act,