

demnation of 87 bottles of Vita Rica tonic pills and laxative, at San Juan, P. R., alleging that the article had been shipped by the Vita Rica Pharmacal Co., New York, N. Y., on or about September 5, 1924, and that it was being offered for sale and sold in the Territory of Porto Rico, 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 contained compounds of iron, potassium, manganese, mercury, arsenic, zinc, phosphorus, and strychnine.

Misbranding of the article was alleged in the libel for the reason that the following statements, appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, English) "Vita-Rica * * * Reconstructive * * * Laxative * * * Recommended For * * * General Debility, Nervous Dyspepsia, Impotence, Senile Debility, Etc.," (Spanish and French) "Vita-Rica * * * Reconstructive and Laxative A Builder," (carton, English) "Vita Rica * * * Laxative * * * Blood Purifier, Builder Recommended in * * * Nervous Debility, Neurasthenia, Leucorrhoea And Impotence," (similar statements in Spanish) (circular, English) "Vita-Rica Means New Life * * * Laxative A blood purifier, builder * * * Recommended For General Debility, Nervous Dyspepsia, Impotence, Leucorrhoea, Neurasthenia, Senile debility, Etc. * * * laxative and antiseptic action on the intestines * * * stimulate the nutritive function of the body as well as of the blood-making organs thus rapidly increasing the * * * quantity of the blood and nutrition of glands, nervous muscles, brain, etc. * * * being also the eliminant, it decreases the tendency to auto-toxemia," (similar statements in Spanish).

On November 28, 1924, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13626. Adulteration and misbranding of assorted preserves. U. S. v. 512 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20009. I. S. Nos. 24036-v to 24041-v, incl. S. No. C-4702.)

On or about April 17, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 512 cases of assorted preserves, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Eigelberner Food Products Co., from Chicago, Ill., on or about February 17, 1925, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled: (Jar) "Silver Buckle Brand Net Weight 12 Ozs. Plum" (or "Peach" or "Raspberry" or "Loganberry" or "Strawberry" or "Blackberry") "Pure Preserves."

Adulteration of the plum, peach, loganberry, and strawberry preserves was alleged in the libel for the reason that a product deficient in fruit and containing excessive sugar and added tartaric acid had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration of the raspberry and blackberry preserves was alleged for the reason that a product deficient in fruit and containing excessive sugar, added tartaric acid, and loganberries had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designations "Pure Preserves Plum" or "Peach," "Raspberry," "Loganberry," "Strawberry," or "Blackberry," as the case might be, and "Net Weight 12 Ozs.," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, 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, since the quantity stated was not correct.

On June 12, 1925, the Eigelberner Food Products Co., Chicago, Ill., having appeared as claimant for the property, 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 \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13627. Misbranding of King's formula. U. S. v. 22 Bottles of King's Formula. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19066. I. S. No. 18642-v. S. No. C-4493.)

On October 17, 1924, 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 the District of Minnesota a libel praying the seizure and condemnation of 22 bottles of King's formula, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by William C. King, Scott City, Kans., August 22, 1924, and transported from the State of Kansas into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of the article by the Bureau of Chemistry of this department showed that it consisted of a liquid in two layers, composed of ether, alcohol, iodine, eucalyptus oil, water, and formaldehyde.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article: (Bottle, carton, and shipping package labels and 2 circulars each headed "King's Formula") "For The treatment Of Tuberculosis of the Lungs, Chronic Coughs, Colds, Asthma and Sore Lungs Caused From Pneumonia or Flu," (circular of testimonials) "Don't Suffer With Tuberculosis, Chronic Coughs, Colds, Asthma, Pneumonia, Flu And Sore Lungs * * * By inhaling. * * * King's Formula, instant relief can be yours * * * Satisfaction guaranteed," (testimonial) "I was seriously afflicted with Tuberculosis and Hemorrhages of the lungs * * * commenced to use King's Formula and since * * * have never had a hemorrhage and am in better health and stronger than * * * within * * * ten years * * * Recommend * * * King's Formula to any one afflicted with lung trouble of any kind," (carton and circular of testimonials) "Try a few breaths and feel the soreness leave," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 23, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13628. Adulteration and misbranding of Wine-Berre. U. S. v. 8 Cases of Wine-Berre. Consent decree of condemnation and forfeiture. Product released to be relabeled. (F. & D. No. 18907. I. S. No. 5794-v. S. No. C-4456.)

On August 15, 1924, 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 a libel praying the seizure and condemnation of 8 cases of Wine-Berre, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Kansas City Kola Co., from Kansas City, Mo., on or about June 21, 1924, and transported from the State of Missouri into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "'With The Tang Of The Berry Patch' Wine-Berre" (cut of berries) "Manufactured By The Kaw Valley Fruit Products Co., Kansas City, Mo. Wine-Berre Punch Wine-Berre is made with the use of the pure juice of ripe berries," (bottle) "Drink Wine-Berre."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored imitation containing only a small amount of fruit, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "With The Tang Of The Berry Patch Wine-Berre is made with the use of the pure juice of ripe berries," "Wine-Berre Punch," "Drink Wine-Berre," together with the design of berries, borne on the labels, deceived and misled the purchaser, and in that the article was an imitation of another article.

On June 16, 1925, the Wine-Berre Co., Inc., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that