

On June 25, 1928, the Monticello Dairy, Inc., Charlottesville, Va., claimant, having consented to the entry of a decree, and having paid the costs and executed a good and sufficient bond with surety for the proper labeling of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15906. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22825. I. S. No. 20343-x. S. No. 847.)

On May 29, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Shenandoah Valley Coop. Milk Producers Assoc., Strasburg, Va., alleging that the article had been shipped from Strasburg, Va., on or about May 26, 1928, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 23, 1928, the Shenandoah Valley Cooperative Producers Assoc., Strasburg, Va., 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, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15907. Adulteration of henbane leaves. U. S. v. 1 Bale of Henbane Leaves. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22510. I. S. No. 21246-x. S. No. 617.)

On March 6, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 bale of henbane leaves at Baltimore, Md., alleging that the article had been shipped by McIlvaine Bros., Inc., from New York, N. Y., on or about February 4, 1928, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it yielded 19.15 per cent of acid-insoluble ash.

It was alleged in the libel that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia.

On April 18, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15908. Misbranding of 999 nerve tonic and Prescription 999. U. S. v. 11 Boxes of 999 Nerve Tonic, et al. Default order of destruction entered. (F. & D. No. 22379. I. S. Nos. 2878-x, 2879-x. S. No. 448.)

On January 26, 1928, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 boxes of 999 nerve tonic, and 11 boxes of Prescription 999, remaining in the original unbroken packages at Kansas City, Mo., alleging that the articles had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., on or about December 27, 1927, and transported from the State of Pennsylvania into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled

in part:(999 nerve tonic) "The ingredients from which these capsules are compounded have been used and prescribed for years for run-down systems and nervous disorders;" (Prescription 999) "Recommended for kidney and bladder disorders. This medicine is a combination of oil sandalwood, oil cubeb, copaiba, and other valuable Vegetable Oils which are known to give the best results in treating the disease for which this medicine is intended. * * * after all signs of the disease have disappeared."

Analyses of samples of the articles by this department showed that the 999 nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of nux vomica and damiana; and that the Prescription 999 consisted essentially of the volatile oils of nutmeg, santal, and cubeb, copaiba, and a fatty oil.

It was alleged in substance in the libel that the articles were misbranded in that the above-quoted statements, borne on the labels, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed.

On August 1, 1928, no claimant having appeared for the property, a decree was entered ordering that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15909. Misbranding of Dr. Musser's original capsules and Dr. Musser's red capsules. U. S. v. 9 Boxes of Dr. Musser's Original Capsules, et al. Default decree of confiscation and destruction entered. (F. & D. No. 22241. S. No. 279.)

On December 3, 1927, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 boxes of Dr. Musser's original capsules, and 11 boxes of Dr. Musser's red capsules at Clarksburg, W. Va., alleging that the articles had been shipped by the Musser-Reese Chemical Co., from Latrobe, Pa., on or about November 3, 1927, and had been transported from the State of Pennsylvania into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. Musser's original capsules contained volatile oils, including santal and nutmeg oils, and copaiba balsam; and that Dr. Musser's red capsules contained compounds of arsenic, iron, calcium, and strychnine, and an extract from a laxative plant drug.

It was alleged in the libel that the articles were misbranded in that the statements upon the container of the said Dr. Musser's original capsules, to wit, "Dr. Musser's Capsules contain no harmful or dangerous drugs, will not injure the most delicate stomach," and the statements on the containers and in the circular inclosed with the said Dr. Musser's red capsules, to wit, (container) "Contains no harmful ingredients," (circular) "Contains no harmful ingredients and will not injure the most delicate stomach," were false and misleading.

Misbranding was alleged in substance for the further reason that the following statements borne on the containers of the articles, and in the accompanying circulars, to wit, (Dr. Musser's original capsules, container) "Inflammation of kidneys and bladder relieved. If directions are followed will effect a permanent relief in every case," (Dr. Musser's original capsules, circular) "Be persistent with treatment for at least two weeks following improvement. It is advisable to continue taking Dr. Musser's treatment for that length of time to insure permanent relief. * * * Dr. Musser's Capsules are possibly the best known remedy and are as prompt in their effect as possible for safety, yet we do not claim that one or two boxes are always sufficient. A great mistake often made is to stop the treatment too soon. This leaves the organs tender and possibly some condition, which further treatment would remove and prevent, returns which is more often quite necessary to continue the treatment for two or three weeks after all trouble seems to be removed. We can not impress too strongly the good effect of combining the use of Dr. Musser's Injection Rx 500 with the capsules. This is thoroughly an antiseptic and healing agent which expedites the cure and creates an antiseptic condition much desired. Do not use without capsules. If only one is used be sure to use capsules, but the combined treatment is time, money, and inconvenience saved," (Dr. Musser's red capsules container) "Scientific remedy for all blood disorders," (Dr. Musser's red capsules, circular) "A modern and scientific remedy which thoroughly searches ou