

On June 23 and July 6, 1931, the Land O'Lakes Creameries (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libels 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 to be reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$600, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18650. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27166. I. S. No. 35349. S. No. 5047.)**

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat. the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about July 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Northland Cooperative Creamery Co., from Ashland, Wis., July 10, 1931, and had been transported from the State of Wisconsin into the State of Illinois, 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 deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 28, 1931, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

Louis Swartz Baby 438

N. J., F. D. 18651-18700

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## United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18651-18700

[Approved by the Secretary of Agriculture, Washington, D. C., April 21, 1932]

**18651. Misbranding of Maxey's vegetable tonic and Maxey's One Minute liniment. U. S. v. 1½ Gross of Maxey's Vegetable Tonic, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25664, 25665. I. S. Nos. 14423, 14424. S. No. 3929.)**

Examination of samples of Maxey's vegetable tonic and Maxey's One Minute liniment having shown that the labeling contained statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported to the United States attorney for the Western District of South Carolina that certain quantities of the products were located at Spartanburg, S. C.

On January 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1½ gross of Maxey's vegetable tonic and 195 bottles of Maxey's One Minute liniment at Spartanburg, S. C., alleging that the articles had been shipped by the Maxey Medicine Co., from Winston-Salem, N. C., on or about March 22, 1929, and had been transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Maxey's vegetable tonic consisted essentially of small proportions of caffeine, chloroform, and ammonium chloride, volatile oils including mustard oil, saffrafr oil, and clove oil, and water; and Maxey's One Minute liniment consisted essentially of chloroform, volatile oils including mustard oil, clove oil, and methyl salicylate, and water.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, appearing in the labeling, were applied to the articles knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers that they were in whole or in part composed of ingredients or medicinal agents effective in the diseases and conditions named therein, whereas the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Maxey's vegetable tonic, bottle) "For Indigestion, all Stomach and Bowel Troubles. Digests Food in Lower Bowels, preventing Fermentation. Purifies the blood and regulates the system. \* \* \* where lining of stomach is inflamed from sores, abscesses or ulcers. \* \* \* Acts Directly on the Stomach \* \* \* Digests the Food \* \* \* treatment prepared for conditions arising from the stomach such as indigestion, dyspepsia, heartburn, sour belching, acid stomach, \* \* \* loss of appetite, nervous indigestion. Purifying the blood, eliminating the acids, malaria and impurities that are in the blood and system;" (Maxey's vegetable tonic, circular) "For cramps \* \* \* Acute Indigestion \* \* \* should be taken Several Days in the treatment of indigestion, or to purify the blood;" (Maxey's One Minute liniment, bottle) "Directions—For pains, apply to parts