

Misbranding of the article was alleged in the libel for the reason that the statements appearing on the labels of the barrels were false and fraudulent in that they represented that the article would produce certain therapeutic effects claimed for it, whereas, in truth and in fact, it would not produce the following therapeutic effects as claimed in said labels, to wit, "for many diseases, including some thought incurable \* \* \* 100% Efficient \* \* \* Cacapon Healing Water \* \* \* for Bright's Disease, Kidney Troubles, Indigestion, Diabetes, Calculi, Rheumatism, Women's Diseases, Stomach Troubles, Dyspepsia, Uric Acid, Gout, Urethral and Uterine Troubles \* \* \* Tonic, Alterative \* \* \* Has cured for Centuries," (and in the testimonial of Dr. Thomas A. Ashby) " \* \* \* rheumatic gout, syphilitic rheumatism, and chronic inflammation."

On August 7, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7068. Misbranding of Chili peppers. U. S. \* \* \* v. 107 Sacks of Chili Peppers. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 9626. I. S. Nos. 6290-r, 6291-r, 6292-r. S. No. C-1038.)

On January 24, 1919, the United States attorney for the Western 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 107 sacks of Chili peppers at Austin, Tex., alleging that the article had been shipped on or about November 23, 1918, and December 17, 1918, by J. A. Knapp, Garden Grove, Calif., and transported from the State of California into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, being moldy and full of worms.

On June 20, 1919, the Walker Properties Association, Austin, Tex., having filed a claim for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the 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, conditioned in part that the product should be used in the preparation of animal and chicken feed only.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7069. Misbranding of Hall's Texas Wonder. U. S. \* \* \* v. 6 Dozen Packages of Hall's Texas Wonder. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9627. I. S. No. 5935-r. S. No. C-1043.)

On January 23, 1919, the United States attorney for the District of Kansas, 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 6 dozen packages of Hall's Texas Wonder, remaining unsold in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped on or about November 14, 1918, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Kansas, and charging

misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On bottle) "The Texas Wonder \* \* \* E. W. Hall, Sole Manufacturer \* \* \* St. Louis, Mo.," (On carton) "Great Discovery for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism, Gravel. Regulates Bladder Trouble in Children." (In circular) "Louis A. Portner \* \* \* testified he began using The Texas Wonder for Stone in the Kidneys \* \* \* and tuberculosis of the kidneys. He was still using the medicine with wonderful results, and his weight had increased \* \* \*."

Analysis of a sample from a previous shipment by the Bureau of Chemistry of this department showed it to consist essentially of oleoresin of copaiba, rhubarb, turpentine, guaiac, and alcohol.

Misbranding of the article was alleged in substance in the libel for the reason that the statements regarding the therapeutic or curative effect of the article, appearing on the labels of the bottles, cartons, and circulars, were false and fraudulent in that said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchaser, and create in the mind of the purchaser thereof, the impression and belief that the article was in whole or in part a compound of, or contained, ingredients or medicinal agents, effective, among other things, to produce the therapeutic effect claimed for it on the label, carton, and circular, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the effects claimed for it.

On April 10, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7070. Adulteration of fava beans. U. S. \* \* \* v. 590 Sacks of Fava Beans and 163 Sacks of Fava Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9289. I. S. No. 2206-r. S. No. W-244.)**

On or about September 5, 1918, the United States attorney for the Southern District of California, 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 590 sacks and 163 sacks of fava beans, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped on or about August 30, 1918, by Frederic Arezzo Luisi, San Francisco, Calif., and were en route from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole and in part of a filthy, putrid, and decomposed vegetable and animal substance.

On October 2, 1918, Paolo Alonges, New York, N. Y., having filed a claim for the property and consented to a decree, it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$5,500, in conformity with section 10 of the act, conditioned in part that the beans should be hand picked and inspected under the supervision of a representative of this department, and that the portion found fit for food should be delivered to said claimant and the unfit portion denatured and then returned to said claimant.

E. D. BALL,