

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of starch and sugar and contained excessive cocoa shells, and for the further reason that it was mixed in a manner whereby its inferiority was concealed.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cocoa, and for the further reason that the statement, "My Own Pure Cocoa," was not sufficiently corrected by the inconspicuous statement, "My Own Cocoa Compound," and was false and misleading.

On August 5, 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 be destroyed by the United States marshal.

E. D. BALL,
Acting Secretary of Agriculture.

7386. Misbranding of Prescription 1000. U. S. * * * v. 5 Dozen Bottles of Prescription 1000. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10239. I. S. No. 13934-r. S. No. E-1391.)

On May 14, 1919, the United States attorney for the Southern District of New York, 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 5 dozen bottles of Prescription 1000, remaining unsold in the original unbroken packages at Newburgh, N. Y., alleging that the article had been shipped on or about March 5, 1919, by the Reese Chemical Co., Cleveland, Ohio, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of copaiba and methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that it was not capable of producing the therapeutic and curative effects claimed for it on the labels, cartons, and circulars, and that said statements were false and fraudulent, and that the cartons and circulars bore statements as to the curative and therapeutic effects of the article and the ingredients and substances contained therein, to wit, (carton) "Prescription 1000 Internal is the most efficient treatment for gleet and gonorrhœa * * * New Discovery for Gonorrhœa and Gleet Prescription 1000 Internal also a very good treatment for Bladder Troubles, Frequent Urination, Inflammation. * * * will be found very efficient," (circular) "Prescription 1000 Internal for Gonorrhœa, Gleet, Bladder Troubles, Frequent Urination, Inflammation, etc. Continue taking Prescription 1000 for several weeks after the discharge stops, and follow directions * * * to insure permanent relief. Prescription 1000 External * * * a companion of Prescription 1000 Internal and is used with it, when convenient, in obstinate cases of Gonorrhœa or Gleet when the patient desires immediate relief. It can be used without Prescription 1000 Internal, but for best results both the Internal and External should be used," whereas, in truth and in fact, the article contained and consisted essentially of copaiba and methyl salicylate and contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed in the statements on the cartons and circulars.

On June 4, 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 be destroyed by the United States marshal.

E. D. BALL,
Acting Secretary of Agriculture.