

and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Native Brand Packed by Sutherland Fruit Co. California."

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

On February 13, 1919, the said Sutherland Fruit Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that same should not be sold until inspected by a representative of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

7642. Misbranding of Brou's Injection. U. S. * * * v. 11½ Dozen Bottles * * * Brou's Injection. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 10643. I. S. No. 7670-r. S. No. C-1305)

On June 23, 1919, the United States attorney for the Western District of Oklahoma, 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 11½ dozen bottles of Brou's Injection, remaining unsold at Oklahoma City, Okla., alleging that the article had been shipped by E. Fougere & Co., Inc., New York, N. Y., on or about September 27, 1918, and transported from the State of New York into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Brou's Injection * * * E. Fougere, A Company, Inc., New York."

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted of acetates and sulphates of lead and zinc, opium, water, and a small amount of alcohol.

Misbranding of the article was alleged in substance in the libel for the reason that the wrapper label, bottle label, and circular accompanying each bottle bore and contained statements, designs, and devices, regarding the curative and therapeutic effects of said drug article and of the ingredients and substances contained therein, which were false and fraudulent in that said drug article contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the wrapper label, bottle label, and in the accompanying circular, in part as follows, to wit, (wrapper) "Brou's Injection * * * preservative;" (bottle, in French) "Hygienic and preservative Brou's Injection * * * against discharges recent or chronic and against white flowers;" (circular) "Brou's Injection hygienic and preservative for the cure of all recent and chronic discharges of the urinary organs (Gonorrhœa, Leucorrhœa and Gleet) Brou's Injection will always be more successful if it be used immediately after the first appearance of disease. For ladies the injection should be used * * * Brou's Injection used as preservative * * *"

On October 16, 1919, the Alexander Drug Co., Oklahoma City, Okla., having filed its answer to the libel, setting forth that it had bought the product in good faith without the knowledge that the same was misbranded, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the U. S. marshal without costs to the said Alexander Drug Co.

E. D. BALL, *Acting Secretary of Agriculture.*