

flammation, Congestion and 'Ulceration of the Vagina," (wrapper) "Madame Dean Antiseptic Vaginal Suppositories for the relief of Leucorrhœa or Whites, Gonorrhœa, Inflammation, Congestion, Ulceration, and Similar Female Complaints \* \* \*," (circular) "Madame Dean Antiseptic Vaginal Suppositories for the relief of Vaginitis, Vulvitis, Gonorrhœal Inflammation, Leucorrhœal Discharges, Inflammation, Congestion and Ulceration of the Vagina," (booklet) "A friend in Need is a Friend Indeed Madame Dean Antiseptic Vaginal Suppositories An effectual Suppository for the relief of Leucorrhœa or Whites, Gonorrhœa, and similar Female Complaints," were false and fraudulent in that the article did not contain any ingredients or combination of ingredients capable of producing the results claimed for the article.

On October 31, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**7667. Misbranding of Stearns' Santaloids. U. S. \* \* \* v. 24 Dozen Boxes of Stearns' Santaloids. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 11391. I. S. No. 2668-r. S. No. W-516.)

On October 3, 1919, the United States attorney for the Northern 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 24 dozen boxes of Stearns' Santaloids, remaining unsold in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on July 27, 1918, by Frederick Stearns & Co., Detroit, Mich., and transported from the State of Michigan into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of gelatin capsules containing oil of santal.

Misbranding of the article was alleged for the reason that the statements on the label on the bottle containing, and on the carton inclosing the article, regarding its curative and therapeutic effects, to wit, (carton) "Stearns' Santaloids \* \* \* is a popular agent in treatment of gonorrhœa and inflammation of mucous membrances," (bottle) "Stearns' Santaloids 40 capsoids \* \* \* is a popular agent in the treatment of gonorrhœa etc.," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the results claimed for the article.

On November 12, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**7668. Misbranding of Milks Emulsion. U. S. \* \* \* v. 504 Large Bottles and 528 Small Bottles of Milks Emulsion. U. S. \* \* \* v. etc. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F & D. Nos 11234, 11235, 11386, 11387, 11388, 11389, 11397, 11398, 11462, 11463, 11464, 11465 I. S. Nos. 15131-r, 15132-r, 15133-r, 15134-r, 15136-r, 15137-r, 15138-r, 15139-r, 15140-r, 15141-r, 15147-r, 15148-r, 15150-r, 15121-r, 15122-r, 15156-r, 15157-r, 15159-r, 15160-r, 15161-r. S Nos E-1709, E-1710, E-1778, E-1779, E-1780, E-1781, E-1802, E-1803, E-1810, E-1811, E-1812, E-1820.)

On September 19, October 7, October 8, and October 6, 1919, 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 11 libels for the seizure and condemnation of 1,265 large-size bottles and 2,034 small-size bottles of Milks Emulsion, remaining unsold in the original unbroken packages at the cities of Chester, Lancaster, and Philadelphia, Pa., alleging that the article had been shipped on or about May 5, May 27, June 12, and June 30, 1919, and between May 13, and August 19, 1919, and between May 8, and August 14, 1919, and between August 27, and September 6, 1919, consigned by Milks Emulsion Co., Terre Haute, Ind., and transported from the State of Indiana into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of petrolatum, together with small amounts of glycerin, sirup, and methyl salicylate. Fats were absent. The contents of the packages labeled "Net weight 29 ounces" varied in weight from 19.9 ounces to 21.3 ounces, a deficiency of from 26.55 to 31.38 per cent. The contents of the packages labeled "Net weight 12 ounces" varied in weight from 8.15 ounces to 9.15 ounces, a deficiency of from 23.75 to 32.05 per cent.

It was alleged in substance in the libels that the article was misbranded for the reason that the statements on the labels on the bottles containing, and on the cartons inclosing the article, regarding the curative and therapeutic effects of the article and the ingredients or substances contained therein, to wit, (bottle, both sizes) "A valuable remedy for dyspepsia, indigestion, catarrh of the stomach and bowels, \* \* \* bronchial asthma, catarrhal croup, bronchitis \* \* \*. Especially beneficial in incipient consumption," (carton, both sizes) "A valuable remedy for dyspepsia, indigestion, catarrh of the stomach and bowels, \* \* \* coughs due to sore throat, bronchitis or pneumonia, incipient consumption, bronchial asthma, catarrhal croup. \* \* \* strengthens the digestive organs, \* \* \* enriching the blood and increasing the flesh. It gives relief in curable throat, lung, stomach and bowel troubles, cleans and heals the afflicted parts and enables the machinery of the body to do its work properly, thus restoring strength and flesh and contributing to perfect health. \* \* \* It is very beneficial in incipient consumption, \* \* \* coughs due to sore throat, bronchitis or pneumonia, bronchial asthma, dyspepsia, indigestion, catarrh of the stomach and bowels \* \* \* Especially beneficial in the ills of children. It builds up their system, enriches their blood, improves the appetite, strengthens the throat, lungs and stomach, which are only too often the cause of croupy, weak and puny children. Milks Emulsion relieves catarrhal croup, and several doses given during the day will prevent it. Thousands of mothers endorse Milks' Emulsion because it strengthens their children as nothing else has ever done, thus rendering them less liable to many of the contagious diseases so common among children," were false and fraudulent in that the article would not produce the effects claimed for it and that these effects were claimed for the article with a knowledge of their falsity for the purpose of defrauding the purchasers of the article.

The article was further misbranded for the reason that the labels on the bottle containing, and on the carton inclosing the article, regarding the article, bore the statements, to wit, (large-size carton) "Net Weight 29 ounces," (small-size carton) "Net Weight 12 ounces Milks Emulsion contains a great amount of fat," which were false and misleading in that the large size contained less than 29 ounces net weight, and the small size less than 12 ounces net weight of the article, and because the article contained no fat.

After appearance of the Milks Emulsion Co., as claimant, an order consolidating 10 of the libels was entered, and on December 30, 1919, and January

26, 1920, judgments of condemnation and forfeiture were entered by consent, 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 bonds in the sum of \$2,000 in the consolidated case and \$500 in the other, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**7669. Misbranding of D. D. D. \* \* \* Ordinary and D. D. D. \* \* \* Strong. U. S. \* \* \* v. D. D. D. Co., a Corporation. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 6239. I. S. Nos. 7912-e, 7160-e.)**

On July 27, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on January 12, 1916, an amended information, against the D. D. D. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on January 27, 1913, from the State of Illinois into the State of Ohio, of a quantity of an article, labeled in part "D. D. D. Prescription for the Skin and Scalp. Ordinary Strength," and on January 14, 1913, from the State of Illinois into the State of Tennessee, of a quantity of an article, labeled in part "D. D. D. Prescription for the Skin Extra Strong," each of which was misbranded.

Analysis of a sample of the D. D. D. Ordinary by the Bureau of Chemistry of this department showed that it consisted essentially of a hydro-alcoholic solution of chloral hydrate, methyl salicylate, salicylic acid, thymol, phenol, glycerin, and yellow coloring matter, that 7.7 grains of chloral hydrate were present per fluid ounce, and that there was present 32.0 per cent of alcohol by volume.

Misbranding of this article was alleged in substance in the information for the reason that the following statement, regarding the curative and therapeutic effects thereof, appearing on the labels aforesaid, to wit, (bottle) "This bottle contains Ordinary, which is to be used until cure is effected in all cases of Weeping Eczema and in all cases of skin disease affecting the hands, face, head, neck, feet, privates," was false and fraudulent in this, that the said statement was applied to said article of drugs knowingly and with the intent to represent, and did so represent, to the purchasers of said article of drugs, and with the intent to create, and did so create, in the minds of such purchasers, the impression and belief that the said article of drugs would cure all cases of weeping eczema and all cases of skin disease affecting the hands, face, head, neck, feet, and privates, whereas, in truth and in fact, the said article of drugs would not cure all cases of weeping eczema or all cases of skin disease affecting the hands, face, head, neck, feet, or privates, and for most cases of weeping eczema and skin disease affecting the hands, face, head, neck, feet, and privates, the said article of drugs would be ineffective to produce a cure, and in the treatment of many cases of weeping eczema and skin disease affecting the hands, face, head, neck, feet, and privates, the said article of drugs would be harmful when used according to the directions accompanying said article of drugs, and the said statement was by the said defendant then and there applied to the said article of drugs with the intent to deceive the purchasers thereof, by representing to, and creating in the minds of, such purchasers the impression and belief that the said article of drugs would cure all cases of weeping eczema and all cases of skin disease affecting the hands, face, head, neck, feet, and privates, whereas, in truth and in fact, the said article of drugs would not cure all cases of weeping