

of the United States for said district a libel for the seizure and condemnation of 6 dozen large bottles and 3 dozen small bottles of a drug, labeled in part "Lung Vita," remaining unsold in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the Nashville Medicine Co., Nashville, Tenn., and transported on or about July 10, 1919, from the State of Tennessee into the State of Indiana, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) "Lung Vita for Consumption and Bronchial Asthma. Directions Take teaspoonful before retiring for the first week, then two teaspoonfuls. Drink no water for two hours after. Alcohol 5%. Shake well before taking. Price \$1.00. This bottle contains 4 fluid ozs. Nashville Medicine Company, Nashville, Tenn. Shake Well Lung Vita. Lung Vita Mfg. by Nashville Medicine Company, Nashville, Tenn. For Asthma, Coughs, Colds Take Lung Vita Mfg. by Nashville Medicine Company, Nashville, Tenn.;" (back of bottle) "In cases of lung trouble * * * Lung Vita may also be used for coughs, colds, bronchial troubles and whooping cough * * *;" (circular) Lung Vita * * * Consumption and Lung Trouble * * * Take your medicine regularly. * * * Bronchial Asthma * * * Colds, Coughs, Whooping Cough, Grip, Croup and Bronchial Troubles. * * * take the medicine according to directions on the bottle * * *." (The large and small bottle labels were identical except as to the quantity of contents and price.)

Analysis of a sample of the product made by the Bureau of Chemistry of this department showed that it consisted essentially of kerosene, vegetable oils, sugar, glycerin, alcohol, a small amount of plant extractives, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the statements above quoted, regarding the curative and therapeutic effects of the article, were false and fraudulent in that the drug did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On January 2, 1920, no claimant having appeared for the property, a decree of condemnation and forfeiture was entered, and on February 24, 1920, it was ordered by the court that the product be destroyed by the United States marshal.

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

7714. Adulteration and misbranding of cocoa. U. S. * * * v. 528 Pounds of Alleged Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11111. I. S. No. 6773-r. S. No. C-1428.)

On August 22, 1919, 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 a libel for the condemnation and forfeiture of 528 pounds of alleged cocoa, remaining unsold in the original unbroken packages at Streator, Ill., alleging that the article had been shipped on or about March 28, 1919, by the National Cocoa Mills, New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "My Own Pure Cocoa. Net weight $\frac{1}{2}$ lb." or " $\frac{1}{2}$ pound," as the case may be, "The Cocoa contained in this package is Positively High Grade and guaranteed by the manufacturers to comply with all Federal and State Food Laws. It is a breakfast cocoa of Superior Quality and Excellence. Absolutely Pure. No Alkalis. No Chemicals."

Adulteration of the article was alleged in the libel for the reason that starch and sugar had been mixed and packed with the article so as to reduce, lower,

and injuriously affect its quality and strength and had been substituted in part for genuine cocoa, which the article purported to be, and for the further reason that the said article of food was mixed in a manner whereby damage and inferiority were concealed.

Misbranding of the article was alleged for the reason that the above-quoted statements, borne on the label, were false and misleading in that the statement, to wit, "My Own Pure Cocoa," was not sufficiently corrected by the inconspicuous statement "My own cocoa compound containing corn starch, sugar." Misbranding was alleged for the further reason that the foregoing statement deceived and misled the purchaser into the belief that the article of food was pure cocoa, whereas, in truth and in fact, the said article was not pure cocoa, but starch and sugar had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, genuine cocoa.

On March 5, 1920, no claimant having appeared for the property, a default decree 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.*

7715. Misbranding of D. D. D. Remedy for Eczema. U. S. * * * v. 7½ Dozen Bottles of Drugs Labeled in Part, "D. D. D. Remedy for Eczema" (Ordinary Strength) and 2 Dozen Bottles of Drugs Labeled in Part, "D. D. D. Remedy for Eczema" (Extra Strong), and U. S. * * * v. 6½ Dozen Bottles of Drugs Labeled in Part, "D. D. D. Remedy for Eczema." Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12265, 12266. I. S. Nos. 15517-r, 15515-r, 15516-r, 15518-r, 15519-r. S. Nos. E-2009, E-2010, E-2014, E-2015.)

On March 3, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 15½ dozen bottles of D. D. D. Remedy for Eczema, remaining unsold in the original unbroken packages at Baltimore, Md., consigned January 31, 1920, and January 24, 1920, alleging that the article had been shipped by the United Fig & Date Co. (D. D. D. Co.), Chicago, Ill., and transported from the State of Illinois into the State of Maryland, 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 essentially of a solution of phenol, salicylic acid, methyl salicylate, oil of sassafras, and chloral hydrate in alcohol and water.

Misbranding of the article was alleged in the libel in that statements contained in the labeling of the article, regarding the curative and therapeutic effects of the article, to wit, (ordinary strength, large-size carton) "D. D. D. Remedy for Eczema and Diseases of the Skin and Scalp. Eczema, Psoriasis, Pimples, Tetter, Salt Rheum, Dandruff, Ivy Poison, Hives, Itching Piles, * * * Itch, Barber's Itch, Dermatitis, Herpes, Sycosis," (ordinary strength, large-size bottle) "D. D. D. Prescription for the Skin and Scalp," (booklet) "D. D. D. The Lotion for Skin Diseases * * *. In nearly all instances D. D. D. gives relief at once * * *. It is indeed true that the first or second full size bottle will relieve the itch and will be found to be sufficient in the majority of cases of skin disease. In practically all cases the fourth or fifth or at the very most the sixth bottle will plainly indicate to the patient that he is on the road to recovery * * *. Continue the use of D. D. D. prescription until the desired results are obtained. * * * D. D. D. is a treatment. * * * The most