

of the United States for said district a libel for the seizure and condemnation of 3 barrels of egg powder, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about December 23, 1919, January 24, 1920, and February 5, 1920, by the Joe Lowe Co., Los Angeles, Calif., and transported from the State of California into the State of Colorado, and charging adulteration and misbranding under the Food and Drugs Act. The product was invoiced, "Hygrade Whole Egg Powder."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted very largely of dried egg yolks.

Adulteration of the article was alleged in the libel for the reason that it contained a mixture of dried egg yolks, and that dried egg yolks had been mixed and packed with, and substituted in part for, dried whole egg powder.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale and sold under the distinctive name of, another article, to wit, dried whole egg powder.

On October 8, 1920, the Joe Lowe Co., claimant, having filed an answer admitting the allegations of the libel, a consent decree 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 satisfactory bond, in conformity with section 10 of the act.

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

**8846. Misbranding of Dr. Burkhart's Vegetable Compound. U. S. \* \* \*  
v. 24 Dozen Packages and 15 Dozen Packages of Dr. Burkhart's  
Vegetable Compound. Default decrees of condemnation, forfei-  
ture, and destruction. (F. & D. Nos. 13118, 13119. I. S. Nos. 4109-t,  
4110-t. S. Nos. C-2055, C-2056.)**

On July 28, 1920, 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 libels for the seizure and condemnation of 24 dozen packages and 15 dozen packages of Dr. Burkhart's 'Vegetable Compound, at Chicago, Ill., alleging that the article had been shipped by Dr. W. S. Burkhart, Cincinnati, Ohio, July 12 and 13, 1920, respectively, and transported from the State of Ohio into the State of Illinois, 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 pills composed essentially of aloes, plant extractives, resins (probably from podophyllum), and capsicum.

It was alleged in substance in the libels that the article was misbranded in that certain statements, regarding the curative or therapeutic effects thereof, to wit, (carton) "Recommended for Kidney and Liver Diseases, Fever and Ague, Rheumatism, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, Indigestion, Neuralgia, Nervous Affection, Dyspepsia, \* \* \* and all Syphilitic Diseases," falsely and fraudulently represented it to be effective as a remedy for the several diseases, ailments, and afflictions mentioned upon the carton aforesaid, whereas, in truth and in fact, it was not.

On November 23, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*