

ages, and with the words "Pure Cocoa" on each side panel of said packages, in very conspicuous type, and being labeled further by the words "The cocoa contained in this package is positively high grade," in conspicuous type, whereas there was no mark or statement stamped upon said packages in any legible manner to show the extent to which the contents of such packages were adulterated or impure, and the only statement stamped upon said package being a statement in illegible type for the purpose of deceiving any prospective purchaser thereof as to the true contents of the said package, said illegible words being in an inconspicuous position upon said packages, as follows, "My own cocoa compound containing cocoa, sugar, corn starch," and the conspicuous label aforesaid upon said packages not being sufficiently corrected by the said inconspicuous statement aforesaid so as to give a purchaser true information as to the adulterated character of the article contained in said packages.

Misbranding was alleged for the reason that the conspicuous statements contained as aforesaid on said packages were false and misleading, and intended to deceive purchasers, and for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, pure cocoa, when the same was not pure, but was adulterated as hereinbefore set out. Misbranding was alleged for the further reason that the packages contained food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package as to their respective true weights.

On October 1, 1920, no claimant having appeared for the property, an order was entered by the court finding the same adulterated and misbranded and ordering its destruction by the United States marshal.

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

**8992. Misbranding of Santal Midy. U. S. \* \* \* v. 5 Dozen Packages of Drugs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 10656. I. S. No. 15798-r. S. No. E-1571.)

On June 25, 1919, the United States attorney for the Northern District of West Virginia, 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 packages of drugs, labeled in part, "Santal Midy \* \* \* Capsules of 25 Centigrams of Mysore (E. I.) Sandal-wood Oil Distilled by Midy's Process. Bottled in the New York Laboratories of Dr. Ph. Chapelle \* \* \* L. Midy, Pharmacien de Ire Classe Paris Dépôt Dans Les Principales Pharmacies Dr. Ph. Chapelle Ancienne, Maison Grimault & Cie, 8, Rue Vivienne Paris Contents 40 capsules \* \* \*," remaining unsold in the original unbroken packages at Clarksburg, W. Va., alleging that the article had been shipped on or about April 17, 1919, by E. Fougera & Co., New York, N. Y., and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The bottles containing the article were labeled in part: "Santal Midy \* \* \* Capsules of 25 Centigrams of Mysore (E. I.) Santal-Wood Oil Distilled by Midy's Process. Bottled in the New York Laboratories of Dr. Ph. Chapelle \* \* \* L. Midy Pharmacien de Ire Classe Paris Dépôt Dans Les Principales Pharmacies Dr. Ph. Chapelle Ancienne, Maison Grimault & Cie, 8 rue Vivienne Paris. Contents 40 Capsules."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the contents of the capsules averaged 20.6 centigrams and consisted of santal oil.

Misbranding of the article was alleged in the libel for the reason that the above-quoted labeling was false in that the average net weight of the contents of each of the capsules was 20.6 centigrams. It was alleged that said labeling was further false and misleading in that the statement in French, quoted above, indicated that the article was a foreign product, whereas, in truth and in fact, it was not a foreign product, but was a domestic product, and which said false statement was not sufficiently corrected by the statement on the said label in inconspicuous type, "Bottled in the New

York Laboratories of Dr. Ph. Chapelle." It was alleged in substance that the article was misbranded for the further reason that the package containing the same and the wrappers thereof and the circulars accompanying it contained the following statements, regarding the curative and therapeutic effect of said article and of the ingredients and substances contained therein, "Santal-Midy. \* \* \* oil of Sandalwood \* \* \* in the treatment of gonorrhoea, gleet and discharges from the urinary organs \* \* \* In Gonorrhoea in the acute stages \* \* \* mucous. Inflammation of the Bladder. \* \* \* when there is hemorrhage, \* \* \* In nearly every case of hematuria, the frequency of micturition and the pain arising therefrom cease in two or three days. Suppurative Nephritis \* \* \* Catarrh of the Bladder \* \* \* chronic catarrh of the bladder \* \* \* it is not likely to be injurious to the kidneys and digestive apparatus. Vesical Catarrh of Old Age.—In this affection so frequently accompanied by stricture of the urethra and congestion of the prostate, a rapid improvement follows its use \* \* \* In Acute Cystitis, when the urine is colored with blood, and inflammation of the neck of the bladder, it gives relief \* \* \* it assists elimination of the uric acid indicated by the red deposit in the urine resembling gravel \* \* \* extremely efficient and useful in the treatment of gonorrhoea and other discharges of the genito-urinary organs," which said statements were false and fraudulent in that the article contained no substance and no ingredients and no combination of ingredients capable of producing the effects claimed.

On October 1, 1920, no claimant having appeared for the property, an order was entered by the court finding the same to be misbranded and ordering its destruction by the United States marshal.

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

8993. Misbranding of Planten's C & C or Black Capsules. U. S. \* \* \* v. 41 Packages of Planten's C & C or Black Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10666. I. S. No. 15795-r. S. No. E-1582.)

On June 21, 1919, the United States attorney for the Northern District of West Virginia, 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 41 packages of Planten's C & C or Black Capsules, remaining unsold in the original unbroken packages at Clarksburg, W. Va., alleging that the article had been shipped on or about December 3, 1918, by H. Planten & Son, Brooklyn, N. Y., and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the contents of the capsules consisted essentially of copaiba balsam, cubebs, oil of cassia, and turpentine.

It was alleged in substance in the libel that the article was misbranded for the reason that the packages and cartons containing it and the wrappers and booklets accompanying the same, contained the following statements, regarding the curative and therapeutic effect of said article and of the ingredients and substances contained therein, (small-size carton) "For the treatment of Private Diseases of Men," (large-size carton) "For the treatment of Diseases pertaining to the Kidneys, Bladder and Urinary Organs," (booklet) "\* \* \* Gonorrhoea or Clap \* \* \* Gleet \* \* \* Useful in restoring a healthy condition of the mucous membranes of the genito urinary tract \* \* \* For the treatment of chronic and acute gonorrhoea, gleet, urethritis," which said statements were false and fraudulent in that the article contained no substance and no ingredient and no combination of ingredients capable of producing the effects claimed.

On October 1, 1920, no claimant having appeared for the property, an order was entered by the court finding the same to be misbranded and directing its destruction by the United States marshal.

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