

injection. The emulsion consisted essentially of an alkaline aqueous mixture of copaiba balsam and oil of peppermint, and the injection consisted of an aqueous solution of zinc sulphate, glycerin, opium, and phenol.

It was alleged in substance in the libel that the article was misbranded for the reason that the circulars accompanying it contained the following statements regarding the curative and therapeutic effects thereof, "Smaw's B-I-F Combination An Emulsion \* \* \* An Injection \* \* \* Is an old and well known treatment For Gonorrhoea (Clap), Gleet, Leucorrhoea (Whites) and other complaints due to inflammation or Debility of the Urinary Organs," which said statements were false, fraudulent, and misleading in that said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed in said statements above set forth.

On January 11, 1921, no claimant having appeared for the property, an order was entered finding that the product was subject to condemnation, and it was decreed by the court that the same be destroyed by the United States marshal.

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

**9012. Adulteration and misbranding of gelatin. U. S. \* \* \* v. 1 Barrel of Gelatin. Default decree of destruction.** (F. & D. No. 10739. I. S. No. 16175-r. S. No. E-1605.)

On July 12, 1919, the United States attorney for the Southern District of Florida, 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 1 barrel, containing 200 pounds of gelatin, at Tampa, Fla., consigned by W. B. Wood Mfg. Co., St. Louis, Mo., alleging that the article had been shipped on or about March 1, 1919, and transported from the State of Missouri into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, "Gelatine W. B. Wood Mfg. Co., St. Louis, Mo."

Adulteration of the article was alleged in the libel for the reason that glue had been mixed and packed with and substituted wholly or in part for gelatin, and for the further reason that said article contained added poisonous or other added deleterious ingredients, to wit, zinc and copper, which might render the article injurious to health.

Misbranding was alleged for the reason that the article was labeled "Gelatine," whereas, in truth and in fact, it was not gelatin, in that it contained glue and added poisonous and other deleterious ingredients, and for the further reason that it was an imitation of, and offered for sale under the distinctive name of, another article.

On January 11, 1921, no claimant having appeared for the property, an order was entered, finding that the product was subject to condemnation, and it was decreed by the court that said product be destroyed by the United States marshal.

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

**9013. Misbranding of Black Caps. U. S. \* \* \* v. 72 Packages \* \* \* of \* \* \* Black Caps. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 10855. I. S. No. 7189-r. S. No. C-1350.)

On July 9, 1919, the United States attorney for the Western District of Kentucky, 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 72 packages, more or less, of drugs, labeled in part "Black Caps," shipped by Samuel B. Clapp, New York, N. Y., on December 27, 1918, remaining unsold in the original packages at Louisville, Ky., alleging that the article had been transported from the State of New York into the State of Kentucky, 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 the contents of the capsules consisted of cubebs, copaiba balsam, and plant extractives (probably saw palmetto).

Misbranding of the article was alleged in substance in the libel for the reason that the packages or labels bore and contained false and fraudulent statements regarding the curative and therapeutic effect of said drugs, to wit, (carton) "Black-Caps For the treatment of Gonorrhoea, Urethritis, Cystitis, and other inflammatory conditions of the Urinary Tract," (circular) "\* \* \* Inflammatory Affections Of The Genito-Urinary Organs \* \* \* stimulant to the mucous membranes, especially of the Genito-Urinary tract, \* \* \* in the relief of inflamed or irritated conditions of the passages, \* \* \* in the treatment of specific Urethritis (simple Gonorrhoea), \* \* \* chronic Cystitis (inflammation of the bladder) resulting from Gonorrhoea, Leucorrhoea, Vaginal Gonorrhoea, subacute and chronic Pyelitis, atonic impotence, \* \* \* Prostatic abscess, chronic inflammation of the vesical neck (bladder), accompanied by tenesmus (ineffectual straining), nocturnal and incontinence of urine," which said false and fraudulent claims related to false curative properties of said drugs in venereal diseases.

On March 5, 1920, 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.

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

**9014. Adulteration of butter. U. S. \* \* \* v. 340 Tubs \* \* \* of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 10902. I. S. No. 7728-r. S. No. C-1394.)

On August 2, 1919, the United States attorney for the Eastern District of New York, 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 340 tubs, more or less, of butter, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by H. A. Ertz Co., St. Paul, Minn., on or about July 31, 1919, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that an excessive amount of water had been mixed and packed with the butter; for the further reason that a product deficient in milk fat and high in moisture had been substituted wholly and in part for the article; and for the further reason that a valuable constituent, to wit, butter fat, had been [in part] abstracted.

On September 28, 1919, H. A. Ertz Co., St. Paul, Minn., 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 payment of the costs of the proceedings, and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

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

**9015. Misbranding of Milks Emulsion. U. S. \* \* \* v. 27 Dozen Small and 16 Dozen Large Bottles of \* \* \* Milks Emulsion. Consent decree of misbranding. Product released on bond.** (F. & D. Nos. 11325, 11363. I. S. Nos. 2664-r, 2665-r. S. Nos. W-499, W-500.)

On September 26, 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 two libels, and on October 14, 1919, an amended libel in which two cases were consolidated, for the seizure and condemnation of 27 dozen small and 16 dozen large bottles of Milks Emulsion, consigned by Milks Emulsion Co., Terre Haute, Ind., remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on April 24, May 7, May 14, and June 19, 1919, and transported from the State of Indiana into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.