

be redelivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

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

**9081. Misbranding of "G Zit" Complete-Stearns' and G Zit Antiseptics. U. S. \* \* \* v. S Packages of \* \* \* "G Zit" Complete-Stearns' and 24 Packages of \* \* \* G Zit Antiseptics. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10866. I. S. No. 2932-r. S. No. W-441.)**

On July 16, 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 8 packages of the \$3-size of "G Zit" Complete-Stearns' and 24 packages of G Zit Antiseptics, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on April 30, 1918, and July 5, 1918, respectively, by the Stearns Hollinshead Co., Inc., Portland, Oreg., and transported from the State of Oregon into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the G Zit Complete consisted of two preparations, antiseptics for internal use and bougies for local application. The antiseptics consisted of gelatin capsules containing balsam of copaiba, oleoresin of cubebs, and a small amount of sulphur in oil. The bougies consisted essentially of silver nucleinate in a cacao butter base.

It was alleged in substance in the libel that the articles were misbranded for the reason that they were labeled in part on the cartons, in circulars, and in booklets, as follows, (carton containing Zit Antiseptics) "Zit Antiseptics (urinary)—Stearns' \* \* \* Remember: This Antiseptic acts on all germ life that may be lodged in the bladder, \* \* \*," (carton containing G Zit Bougies) "G Zit Bougies—Stearns' \* \* \* Less chance for complicated, lasting disease if this Treatment is used," (circular) "Instructions For Gonorrhoeal Patients To Cure Yourself, To Prevent Sexual Diseases Spreading from the Afflicted \* \* \*," (booklet) "This medicine does destroy the germ of gonorrhoea \* \* \* For Gonorrhoea, use Zit Complete, Stearns'," whereas said articles contained no ingredients capable of producing the curative and therapeutic effects claimed for them, and the statements on the carton and in the circulars and in the booklets were false and fraudulent. Misbranding was alleged in substance for the further reason that the said articles were accompanied by a circular and booklet, copies of which were attached to the libel and marked "Exhibit A" and "Exhibit B," and made a part of the libel by the United States attorney, which said circular and booklet contained statements, regarding the curative and therapeutic effects of said articles and the ingredients and substances contained therein, which were false and fraudulent for the reason that the articles contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed for said articles therein.

On July 30, 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.

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