

false and misleading in that they represented that the articles consisted wholly of birch oil or oil of wintergreen, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of birch oil or oil of wintergreen, as the case might be, whereas, in truth and in fact, the articles consisted in part of synthetic methyl salicylate, derived from sources other than sweet birch or wintergreen. Misbranding was alleged with respect to the consignments of oil of wintergreen of August 15, 1918, into New York, and of November 30, 1918, into New Jersey, respectively, for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 5, 1919, the three cases having been consolidated under one proceeding, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$250 and costs.

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

9191. Misbranding of Leonardi's Injection No. 1. U. S. * * * v. 2 Dozen Bottles of * * * Leonardi's Injection No. 1. Default decree of destruction. (F. & D. No. 10543. I. S. No. 16503-r. S. No. E-1520.)

On or about June 13, 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, and on or about July 12, 1919, an amended libel, for the seizure and condemnation of 2 dozen bottles of Leonardi's Injection No. 1, at Jacksonville, Fla., consigned by S. B. Leonardi & Co., Inc., New York, N. Y., alleging that the article had been shipped on or about March 8, 1918, and transported from the State of New York into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Leonardi's Injection No. 1 * * * For Gonorrhoea * * * Prepared Only By S. B. Leonardi & Co., New York, N. Y.;" (carton) "Leonardi's Injection No. 1 * * * Used in Gonorrhoea and Gleet * * *;" (shipping container) "For Male or Female Injection Leonardi's Specific No. 1. A Safe Remedy for the Relief of Gonorrhoea and Gleet in 3 to 5 Days."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an alkaline solution of borax, camphor, and berberine.

It was alleged in substance in the libel, as amended, that the article was misbranded for the reason that the labels upon the shipping containers, cartons, and bottles containing the article bore the above-quoted statements, regarding the curative and therapeutic effect of said article, which falsely and fraudulently represented it to be effective as a treatment, remedy, or cure for gonorrhoea and gleet, whereas the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in said statements.

On February 5, 1921, no claimant having appeared for the property, judgment was entered finding the article to be subject to condemnation, and it was ordered by the court that the same be destroyed by the United States marshal.

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