

It was alleged in substance in the libel that the article was misbranded for the reason that the following statements, regarding the curative and therapeutic effects of said article, appearing upon the wrapper and in the circular accompanying the same, (wrapper) " * * * For Either Sex Composed of some of the Most Potent and Dependable Aphrodisiac Agencies Known to Medical Science. * * * are offered as an aid to permanent improvement, rather than temporary results. * * * Are Designed to Correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. Directions: Take * * * until results indicate decided improvement * * *," (circular) " * * * Arthur's Sextone Tablets * * * are very useful in treating cases of exhaustion of nervous energy, as they are composed of ingredients that not only stimulate the nervous system, particularly the Sexual Plexes, but in many cases nourish the nervous system and build it up," were false, fraudulent, and misleading inasmuch as the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it in said statements.

On April 26, 1921, 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.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9444. Adulteration and misbranding of Aqua Nova Vita. U. S. * * * v. 4 Bottles * * * of Aqua Nova Vita. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14079. I. S. No. 5820-t. S. No. E-2947.)

On December 16, 1920, the United States attorney for the Western 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 4 bottles, more or less, of Aqua Nova Vita, consigned by the Aqua Nova Vita Co., Lorain, Ohio, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped from Lorain, Ohio, on or about November 22, 1920, and transported from the State of Ohio into the State of New York, and charging adulteration and 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 was ordinary salt water, slightly radioactive, and that it contained *B. coli* in small quantities, which rendered it polluted.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal or vegetable substance.

Misbranding of the article considered as a food was alleged in substance for the reason that the bottles bore labels which contained statements regarding the article which were false and misleading in that the said statements imported that the article contained 12.50 [1250] M. U. of radio emanation, whereas, in truth and in fact, it contained a less amount of radio emanation, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article. Misbranding was alleged 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 package. Misbranding of the article considered as a drug was alleged for the reason that the following statements appearing on the label on the bottles, to wit, " * * * all forms of cancer * * * ordinary scalp troubles, * * * skin diseases * * * is a Remedy in all Chronic Blood and Gland Diseases Hardening Of The Arteries High Blood Pressure or Arterio-

Sclerosis Ulcers, Tumors and Cancers Internal or External Syphilis Especially Effects in Inherited Disease Anemia and Pernicious Anemia Loss of Strength, Weight and Power, Tuberculosis of the Lungs, Stomach, Kidney, Bones, and Skin Rheumatism If due to any cause above mentioned. Nervous Diseases In the first stage of Paralysis, Paresis, Paranoia Insomnia or Sleeplessness, Impotence, Locomotor-Ataxia, Senile Dementia, Melancholia, all Nervous Disorders due to Arterio-Sclerosis. Improper Menstruation and the Menopause or Change of Life Period of Females. In all but the last stage of Chronic Stomach Troubles, Indigestion, Dyspepsia, Gastritis and Ulceration, Chronic Liver Troubles, Jaundice, Bilioussness, Gall-stones and Cirrhosis, Diabetes, Chronic Kidney Troubles, Dropsy, Bright's Disease, Nephritis. All Disease due to Malignant Bacteria in the Bowels, including Typhus and Typhoid. All Skin and Scalp Diseases, due to Blood Impurity, Bacterial or Vegetable Parasites. * * * Acts as a general antitoxin against all forms of bacterial poisons, no matter where located in the human system. Acts as a solvent in all forms of mineral deposits, sclerosis, calculi and others. Restores blood pressure to normal, * * * brings tissue and weight back to normal. Automatically stops all excessive use of all stimulants, whether alcohol, tobacco, coffee, tea and all narcotic drugs, * * * Restores the circulation of the blood, whether due to arterio sclerosis, anaemia or other senile decay. * * * new life coursing through the veins, a healthy appetite and a good digestion are some of the results * * * A full recovery in most chronic diseases * * * In all troubles of Female Organs, * * * immediate relief, * * * will eliminate the trouble * * *," were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On April 14, 1921, 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.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9445. Misbranding of tomatoes. U. S. * * * v. California Vegetable Union, a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 14307. I. S. No. 10155-t.)

On March 14, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the California Vegetable Union, a corporation, Los Angeles, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 30, 1920, from the State of California into the State of Colorado, of a quantity of tomatoes in crates, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 4, 1921, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$100.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9446. Misbranding of Stafford Mineral Springs Water. U. S. * * * v. 2,000 Gallons of Stafford Mineral Springs Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13724. I. S. No. 2310-t. S. No. C-2522.)

On or about August 28, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture,