

On January 18, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9519. Adulteration and misbranding of prepared mustard. U. S. * * * v. 150 Cases * * * 5-Ounce Tumblers, 150 Cases * * * 8-Ounce Jars, 25 Cases * * * 1-Gallon Bottles, and 8 Barrels of Prepared Mustard. Judgments by consent ordering product released under bond, the 8 barrels to be relabeled and the remainder to be destroyed and the containers thereof to be returned to claimant. (F. & D. Nos. 14269, 14435. I. S. Nos. 10162-t, 10163-t, 10164-t, 10184-t. S. Nos. W-852, W-869.)

On January 28, 1921, and on or about February 16, 1921, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 150 cases, each containing 3 dozen 5-ounce tumblers, 150 cases, each containing 2 dozen 8-ounce jars, 25 cases, each containing 6 one-gallon bottles, and 8 barrels of prepared mustard, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Kondit Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about August 25 and December 13, 1920, respectively, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for prepared mustard.

Misbranding was alleged in substance for the reason that the statement, to wit, "Prepared Mustard," borne on the tumblers, jars, bottles, and barrels containing the article, regarding the contents thereof, was false and misleading and was calculated to deceive and mislead the purchaser.

On February 28 and April 20, 1921, respectively, Logan Wallace, claimant, having admitted the material allegations of the libels, judgments were entered ordering that upon payment of the costs of the proceedings and the execution of bonds in the sum of \$500 and \$1,000, respectively, in conformity with section 10 of the act, the product be released to said claimant, the 8 barrels thereof to be relabeled "Compound Dressing Composed of Mustard Seed, Mustard Bran, Vinegar, and Spices," and the remainder to be returned to Chicago, Ill., the product to be destroyed by the United States marshal for that district, and the containers to be returned to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9520. Misbranding of Dr. Carey's Marsh Root. U. S. * * * v. 181 Packages and 111 Packages of Dr. Carey's Marsh Root. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13820, 13825. I. S. Nos. 5687-t, 5688-t, 5689-t. S. Nos. E-2845, E-2847.)

On October 28, 1920, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 181 packages and 111 packages of Dr. Carey's Marsh Root, at Pittsburgh, Pa., consigned by the Carey Medical Corp., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., on June 25, July 22, and October 4, 1920, respectively, and transported from the State of New York

into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of salicylates, plant extractives, including buchu, uva ursi, and saw palmetto, sodium and potassium salts, mydriatic alkaloids, indicating belladonna, aromatic oils, including juniper, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding its therapeutic or curative effects, appearing on the labels thereof, to wit, (carton) “* * * The Marsh Root Prescription is indicated in the treatment of Bright’s Disease (before casts are formed) Diabetes Kidney, Bladder and Urinary Troubles Disordered Liver Stomach and Blood Diseases. * * * this wonderful remedy * * * is advocated for the treatment of Chronic and acute Kidney, Bladder, Stomach, Liver and Urinary Diseases. * * * restores impoverished blood to the rich, red condition of perfect health. Marsh Root removes the cause * * *,” (large circular) “* * * This wonderful remedy is a prescription used by Dr. Carey, with marvelous success, for many years in the treatment of Kidney and Bladder Troubles, Bright’s Disease, and difficulties of the liver. * * * for the benefit of all sufferers from those dread diseases. * * * This splendid remedy has proven itself of great value in the treatment of Bright’s Disease, Diabetes, all Urinary troubles, Retention, Scanty, Stoppage, Too Frequent and Brickdust. Catarrh of the Bladder, Gravel and Gall Stones are positively relieved by this treatment. In cases of Spermatorrhoea, Debility and Seminal Weakness, Dr. Carey’s Marsh Root will be found invaluable. * * * makes the Blood rich, red and healthy. * * * all that is claimed for Dr. Carey’s marvelous medicine, Marsh Root, is beyond any question of doubt. There are thousands alive to-day who would be in their graves, caused by the awful effect of Kidney and Bladder Trouble, if they had not used this wonderful medicine, Marsh Root. * * * Kidney diseases * * * Bladder Troubles * * * paralysis of the bladder Diabetes * * * Uric Acid * * * eczema, or tetter Gravel * * * brickdust, sand or gravel * * * Bright’s Disease * * * diseased condition of the ovaries * * * painful and unnatural menstruation. Marsh Root makes the kidneys strong and active and removes the uric acid which causes the pain, builds up the blood, increases its circulation, and regulates the monthly flow. Gravel or Stone in the Bladder * * * Marsh Root cures Gravel by dissolving the stones and deposits so that they are carried off with the urine. By making the kidneys and bladder strong and healthy they do not form again. Diabetes Sugar in the Urine * * * relief can be obtained much sooner if you procure Marsh Root to build up the digestive organs. * * * cured thousands of people * * * Backache, Weak Back * * * Gout, Diabetes, Bright’s Disease, Gravel, Irritation of the Bladder, Scalding of the Urine, Swelling of the Ankles, Dropsy, or some other form of Kidney or Urinary Trouble. Marsh Root has a direct and specific action in all forms of Kidney, Bladder and Urinary Trouble, giving the kidneys strength to cast off all poisonous matter from the blood, thus stopping the cause of all diseases of this nature. * * * best known remedy for Bed Wetting in children and old people * * *,” (bottle) “Dr. Daniel G. Carey’s Marsh Root Prescription No. 777 For Kidney And Bladder Troubles Relieves Bladder and Urinary diseases, such as Inflammation of the bladder and urethra, cystitis and pain in kidney region, loins and back; too frequent and copious or too scanty flow of Urine; that smarting burning sensation when urinating and

will be found very beneficial in Renal Calculi or Stone in the Bladder. Prevents uremic poisoning by carrying off the uric acid in the urine, Renal Colic, Ovarian troubles, bearing down sensation. Children wetting the bed, etc. * * *," were false and fraudulent in that they were applied to the said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that it was effective as a remedy for the various diseases mentioned in the statements contained in said circular and labels, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On June 28, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

9521. Misbranding of Krause's Phosphorets. U. S. * * * v. 30 Packages of Krause's Phosphorets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13834. I. S. No. 5690-t. S. No. E-2854.)

On November 4, 1920, the United States attorney for the Western District of Pennsylvania, 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 30 packages of Krause's Phosphorets, at Pittsburgh, Pa., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., on April 9, 1920, and transported from the State of Indiana into the State of Pennsylvania, 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 pills consisted essentially of iron carbonate, asafetida, and elemental phosphorus.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its therapeutic or curative effects, appearing in the labeling thereof, to wit, (carton) "* * * Nervous Debility * * * Neurasthenia * * * Exhausted Nerve Force," (circular) "* * * will cure all diseases arising from a shattered condition of the nervous system, or the exhaustion of the vital energies of the brain from overwork, worry, dissipation, excesses or overindulgence of any kind * * * successful in the treatment of nervous debility, dizziness, despondency, paralysis, neurasthenia * * * ringing noises in the head, lack of energy or ambition * * * muscular weakness, shortness of breath * * * pain in the back, loss of memory, indecision, sciatica, early decay, rheumatism, hysteria, wasting diseases * * * restore the blood to its normal condition, throw off the impurities and overcome diseases infesting the system. * * * For Men * * * They will * * * cure * * * spermatorrhea. * * * drains of the prostatic fluid * * *," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that it was effective for the various ailments mentioned in the above-quoted label and circular, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On June 28, 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.*