

9604. Misbranding of Dr. F. W. Diemer's Manhood tablets. U. S. * * * v. 5 Dozen Packages of Diemer's Manhood Tablets. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 13735. I. S. No. 9542-r. S. No. C-2514.)

On September 30, 1920, the United States attorney for the Southern District of Mississippi, 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 5 dozen packages of Dr. F. W. Diemer's Manhood tablets, at Meridian, Miss., alleging that the article had been shipped on or about November 17, 1919, by the Dr. F. W. Diemer Medicine Co., Springfield, Mo., and transported from the State of Missouri into the State of Mississippi, 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 tablets consisted chiefly of sodium bicarbonate, reduced iron, a compound of zinc and phosphorus, and small amounts of capsicum, strychnine, and extract from a laxative plant drug.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the article were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed for it upon the carton and wrapper inclosing the said article: "* * * Manhood Tablets For Sexual And Seminal Weakness. * * * For Rheumatism, Neuralgia, Catarrh, Wasting Diseases, Nervous Debility, Impure Blood and all Kindred Diseases resulting from a Worn Out Nervous System * * *."

On March 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.*

9605. Adulteration of raisins. U. S. * * * v. 50 Cases * * * of Raisins. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 13736. I. S. No. 9660-r. S. No. C-2531.)

On October 1, 1920, the United States attorney for the Southern District of Ohio, 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 50 cases, more or less, of raisins, remaining unsold at Cincinnati, Ohio, shipped on or about April 23, 1920, by Umberto Battistoni, Buffalo, N. Y., alleging that the article had been transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "25 lbs. Net. One Crown Raisins."

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

On February 19, 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.*

9606. Adulteration and misbranding of vinegar. U. S. * * * v. 2 Barrels, 2 Barrels, 2 Barrels, and 10 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 13738, 13739, 13741, 13742. I. S. Nos. 6404-t, 6403-t, 6401-t, 6406-t. S. Nos. E-2787, E-2789, E-2791, E-2778.)

On October 29, November 24, and December 15, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of

Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 barrels, 2 barrels, 2 barrels, and 10 barrels, respectively, of vinegar, in part at Dover, in part at Newton, and in part at Netcong, N. J., alleging that the article had been shipped on or about August 17 and 19, 1920, by the Kistler Vinegar Works, Stroudsburg, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Davies-Strauss-Stauffer Co., Pure Fermented Apple Cider Vinegar Reduced to 40 grains acid strength Made by the Kistler Vinegar Works, Stroudsburg and Bethlehem, Pa. * * *."

Adulteration of the article was alleged in the libels for the reason that waste vinegar had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the statement on the label, "Pure Fermented Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser, since it was not pure fermented apple cider vinegar. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On May 24, 1921, the Kistler Vinegar Works, Stroudsburg, Pa., claimant, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the aggregate sum of \$2,000, conditioned in part that the product be not shipped or sold unless rebranded and properly marked, and that the department be notified of the proper relabeling thereof.

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

9607. Misbranding of Dr. Carey's Marsh Root. U. S. * * * v. 9 Dozen Bottles (Small Size) and 4½ Dozen Bottles (Large Size) * * * of Dr. Carey's Marsh Root. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 13759. I. S. No. 2458-t. S. No. C-2544.)

On October 6, 1920, the United States attorney for the Southern District of Ohio, 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 9 dozen bottles (small size) and 4½ dozen bottles (large size) of Dr. Carey's Marsh Root, remaining unsold at Cincinnati, Ohio, shipped on or about November 12, 1919, and July 24, 1920, by the Carey Medical Corp., Rochester, N. Y., alleging that the article had been transported from the State of New York into the State of Ohio, 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 it consisted essentially of plant extractives, including a trace of alkaloid, salicylate, glycerin, sugar, aromatic oils, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the cartons inclosing the bottles containing the article and in circulars accompanying the same, regarding the curative and therapeutic effect of the article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it, and in that said article was insufficient of itself for the successful treatment and cure of the ailments and diseases for which prescribed and recommended in said statements: (Carton) "* * * The Marsh Root Prescription is indicated in the treatment of Bright's Disease (before casts are formed) Diabetes Kidney, Bladder and Urinary