

**9713. Misbranding of Dr. Burkhardt's vegetable compound. U. S. * * *
v. 179 Packages of Dr. Burkhardt's Vegetable Compound. Default
decree of condemnation, forfeiture, and destruction. (F. & D. No.
13068. I. S. Nos. 5676-t, 5677-t, 5678-t. S. No. E-2451.)**

On July 20, 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 179 packages of Dr. Burkhardt's vegetable compound, remaining unsold in the original unbroken packages at Buffalo, N. Y., consigned by Dr. W. S. Burkhardt, Cincinnati, Ohio, alleging that the article had been shipped from Cincinnati, Ohio, on or about June 22, 1920, and transported from the State of Ohio into the State of New York, 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 contained plant extractives, including aloes, resins, and capsicum.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling, to wit, (carton, 25-cent and 50-cent sizes) "Recommended for Kidney and Liver Disease, Fever and Ague, Rheumatism, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, Indigestion, Neuralgia, Nervous Affection, Dyspepsia, * * * and all Syphilitic Diseases," (carton, \$1 size) "Recommended for Blood Diseases, such as Rheumatism, Kidney and Liver Diseases, Fever and Ague, Sick and Nervous Headaches, Erysipelas, Scrofula, Female Complaints, Catarrh * * * Indigestion, Neuralgia, Nervous Affection, Dyspepsia," regarding the curative and therapeutic effects thereof, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 18, 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.*

**9714. Misbranding of Dr. Burkhardt's vegetable compound. U. S. * * *
v. 428 * * * Packages, 68 * * * Packages, 284 * * *
Packages, and 10 * * * Packages of Dr. Burkhardt's Vegetable
Compound. Default decrees of condemnation, forfeiture, and de-
struction. (F. & D. Nos. 13069, 13070. I. S. Nos. 5876-t, 5877-t, 5878-t,
5879-t. S. Nos. E-2449, E-2450.)**

On July 22, 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 libels for the seizure and condemnation of 428 packages, 25-cent size, 68 packages, 50-cent size, 284 packages, 25-cent size, and 10 packages, \$1 size, of Dr. Burkhardt's vegetable compound, at Pittsburgh, Pa., consigned by Dr. W. S. Burkhardt, Cincinnati, Ohio, alleging that the article had been shipped from Cincinnati, Ohio, July 8 and June 23, 1920, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton, 25-cent and 50-cent sizes) "* * * * Recommended for Kidney and Liver Disease, Fever and Ague, Rheumatism, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, Indigestion, Neuralgia, Nervous Affection, Dyspepsia, * * * and all Syphilitic Diseases"; (carton, \$1 size) "* * * Recommended for Blood Diseases, such as Rheumatism, Kidney and Liver Diseases, Fever and Ague, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh * * * Indigestion, Neuralgia, Nervous Affection, Dyspepsia."