

**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."

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 libels for the reason that the above-quoted statements regarding the therapeutic or curative effects thereof, appearing in the labeling, 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 the purchasers thereof the impression and belief, that the product contained in all the said packages was effective as a remedy for kidney and liver diseases, fever and ague, rheumatism, sick and nervous headache, erysipelas, scrofula, female complaints, catarrh, indigestion, neuralgia, nervous affection, and dyspepsia, and that the product contained in the 25-cent and 50-cent size packages was further effective as a remedy for all syphilitic diseases, when, in truth and in fact, the said article contained no ingredient or combination of ingredients capable of producing the said effects.

On April 20, 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.*

9715. Misbranding of tankage. U. S. * * * v. Edward J. Butler, John Jonas, and Charles Rosted (Edward J. Butler & Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 13076. I. S. No. 12476-r.)

On February 7, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward J. Butler, John Jonas, and Charles Rosted, copartners, trading as Edward J. Butler & Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 30, 1919, from the State of Illinois into the State of Ohio, of a quantity of Butler's Premium digester tankage which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 53.33 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 60%," borne on the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 60 per cent of protein, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein, whereas, in truth and in fact, it did contain less than 60 per cent of protein, to wit, approximately 53.33 per cent.

On May 5, 1921, pleas of guilty to the information were entered by the defendants, and on July 1, 1921, the court imposed a fine of \$100 and costs.

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

9716. Adulteration of Robinson spring water. U. S. * * * v. Charles L. Bradley. Plea of guilty. Fine, \$25. (F. & D. No. 13078. I. S. No. 5999-r.)

On January 21, 1921, 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 an information against Charles L. Bradley, Pochontas, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 27, 1918, from the State of Mississippi into the State of Louisiana, of a quantity of Robinson spring water which was adulterated.