

as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for loganberry soda water, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the name of, another article, to wit, loganberry soda water. Misbranding was alleged for the further reason that the article was labeled "Loganberry" and bore a design of ripe loganberries, so as to deceive and mislead purchasers into the belief that it was made of loganberries and was a loganberry soda water, and for the further reason that the statement on the label, "Loganberry," together with the design of ripe loganberries, was false and misleading in that it represented to purchasers thereof that the article was a loganberry soda water and was made with loganberries, whereas, in fact and in truth, it was not a loganberry soda water and was made with artificial flavoring and coloring matter.

On July 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

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

**9743. Misbranding of Hall's Texas Wonder. U. S. \* \* \* v. 96 Bottles, 120 Bottles, and 138 Bottles of \* \* \* Texas Wonder. Default decrees finding product to be misbranded and ordering its destruction.** (F. & D. Nos. 11408, 11409, 11886. I. S. Nos. 8455-r, 8458-r, 8472-r. S. Nos. C-1501, C-1502, C-1687.)

On September 29, 1919, and January 14, 1920, the United States attorney for the Western District of Arkansas, 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 96 bottles, 120 bottles, and 138 bottles of Hall's Texas Wonder, at Fort Smith, Ark., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., July 17, August 7, and December 26, 1919, respectively, and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article involved in the consignments of July 17 and August 7, 1919, was labeled in part: (Carton) "The Texas Wonder, for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children"; (circular, testimonial of Louis A. Portner) "\* \* \* began using The Texas Wonder for stone in the kidneys, inflammation of the bladder and tuberculosis of the kidneys \* \* \* His urine contained 40% pus. \* \* \* was still using the medicine with wonderful results, and his weight had increased \* \* \*" The shipment of December 26 was labeled in part: (Carton) "\* \* \* A Remedy For Kidney and Bladder Troubles. Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children"; (circular headed "Read Carefully") "\* \* \* The Texas Wonder, Hall's Great Discovery \* \* \* In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the therapeutic and 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 purchasers thereof the impression and belief, that the article involved in the shipments of July 17 and August

7, 1919, was effective as a treatment for diabetes, weak and lame backs, rheumatism and other diseases named in said statements, and that the article involved in the shipment of December 26, 1919, was effective as a remedy for kidney and bladder troubles, weak and lame back, rheumatism, and gravel and to regulate bladder trouble in children, when, in truth and in fact, the article involved in all shipments was not effective for the purposes named.

On August 11, 1921, no claimant having appeared for the property, judgments of the court were entered finding the product to be misbranded and ordering its destruction by the United States marshal.

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

**9744. Misbranding of Knoxit prophylactic. U. S. \* \* \* v. 36 Dozen Bottles \* \* \* of \* \* \* Knoxit Prophylactic. Default decree finding product to be misbranded and ordering its destruction.** (F. & D. No. 11894. I. S. No. 8991-r. S. No. C-1685.)

On January 27, 1920, the United States attorney for the Western District of Arkansas, 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 36 dozen bottles of Knoxit prophylactic, at Fort Smith, Ark., alleging that the article had been shipped by the Beggs Mfg. Co., Chicago, Ill., July 14, 1919, and transported from the State of Illinois into the State of Arkansas, 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 glycerin, zinc acetate, hydrastis extractives, and water. Mercury salts were absent.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the carton containing the said article and in an accompanying circular, falsely and fraudulently represented it to be effective as a remedy or mild antiseptic used as a hygienic precaution against the contraction of local infectious diseases, when, in truth and in fact, it was not.

On August 11, 1921, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its destruction by the United States marshal.

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

**9745. Misbranding of Hall's Texas Wonder. U. S. \* \* \* v. 3 Dozen Bottles of Hall's Texas Wonder. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13116. I. S. No. 2387-t. S. No. C-2061.)

On July 27, 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 3 dozen bottles of Hall's Texas Wonder, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by G. Nash, St. Louis, Mo., on or about July 17, 1920, 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. The article was labeled in part: (Carton) " \* \* \* Recommended For Kidney and Bladder Troubles When Operation Not Required. Weak or Lame Backs. Rheumatism, Gravel and Bladder Troubles in Children "; (circular) " \* \* \* In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved."