

On January 4, 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.*

**9805. Misbranding of Wendell's Ambition pills. U. S. \* \* \* v. 28 Packages \* \* \* of \* \* \* Wendell's Ambition Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13625. Inv. No. 23529. S. No. C-2467.)

On September 2, 1920, the United States attorney for the Western District of Missouri, 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 28 packages, consisting of 24 small sized and 4 large sized packages, of Wendell's Ambition pills, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Wendell Pharmacal Co., Syracuse, N. Y., on or about May 29, 1920, and transported from the State of New York into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The small sized packages were labeled in part, (carton) "\* \* \* Pills Ambition Brand" and the large sized packages were labeled in part, (carton) "\* \* \* Pills Ambition Brand Beneficial in the treatment of \* \* \* Nervous Debility, Sleeplessness, Digestion, \* \* \* Affections of the Nervous System." The large sized packages were labeled in part, (carton) "\* \* \* Ambition Pills The Great Nerve Tonic. \* \* \* Nervous Debility, Weakness, \* \* \* Kidney \* \* \* Complaints, Malaria, Rheumatism, Neuralgia, Exhausted Nervous Vitality, Nervous Prostration, Sleeplessness, Despondency, Mental Depression, Hysteria, Numbness, Trembling, Nervous Headaches, Dyspepsia, Indigestion, \* \* \* and all affections of the Nervous System."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained nux vomica extractives, quinine, and aloin.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the label of the cartons, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On October 7, 1920, 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.*

**9806. Adulteration and misbranding of ice cream flavor. U. S. \* \* \* v. 10 Gallons of Ice Cream Flavor. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13687. I. S. No. 7810-t. S. No. E-2643.)

On September 16, 1920, the United States attorney for the Middle 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 10 gallons of ice cream flavor which had been represented to be high grade vanilla extract, remaining unsold in the original unbroken packages at Huntingdon, Pa., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about June 14, 1920, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "A-XXXX Ice Cream Flavor Concentrated \* \* \*"

Adulteration of the article was alleged in the libel for the reason that vanillin coumarin solution had been mixed and packed with, and substituted wholly or in part for, the said ice cream flavor, and for the further reason that it was colored in a manner whereby its inferiority was concealed.

Misbranding of the article was alleged for the reason that the statement, "A-XXXX Ice Cream Flavor Concentrated," was false and misleading and deceived and misled the intending purchaser thereof, and for the further reason that it was an imitation of, and was offered for sale under a distinctive name of, another article.

On June 25, 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.*

**9807. Adulteration and misbranding of pink beans. U. S. \* \* \* v. 365 Sacks \* \* \* of Pink Beans. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13694. I. S. No. 1615-t. S. No. C-2509.)

On September 18, 1920, the United States attorney for the Southern District of Texas, 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 365 sacks of pink beans, at Brownsville, Tex., alleging that the article had been shipped by Sinsheimer & Co., Stockton, Calif., on or about April 3, 1919, and transported from the State of California into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

It was alleged in substance in the libel that the article was adulterated in that it was filthy, decomposed, and putrid.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 4, 1920, 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.*

**9808. Misbranding of Red Cross tansy pills. U. S. \* \* \* v. 174 Packages of Red Cross Tansy Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13842, 13843. I. S. Nos. 5686-t, 5691-t. S. Nos. E-2848, E-2849.)

On November 3, 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 174 packages of Red Cross tansy pills, at Pittsburgh, Pa., consigned by the Norman Lichty Mfg. Co., Des Moines, Iowa, alleging that the article had been shipped from Des Moines, Iowa, August 26 and 31 and October 1, 1920, respectively, and transported from the State of Iowa 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 aloes and ferrous sulphate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the therapeutic or curative effects