

10170. Misbranding of Prescription 1000, internal. U. S. * * * v. 2 Dozen Bottles of * * * Prescription 1000. Default decree ordering destruction of the product. (F. & D. No. 10213. I. S. No. 16192-r. S. No. E-1362.)

On or about May 13, 1919, the United States attorney for the Southern District of Florida, 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 2 dozen bottles of Prescription 1000 internal, at Tampa, Fla., consigned by the Reese Chemical Co., Cleveland, Ohio, alleging that the article had been shipped from Cleveland, Ohio, on or about February 1, 1919, and transported from the State of Ohio into the State of Florida, 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 of an emulsion composed of copaiba balsam, a small amount of alkali, and water, flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the bottle and carton and in the accompanying circular, regarding the curative and therapeutic effect of the said article, falsely and fraudulently represented it to be effective as a most efficient treatment for gleet, gonorrhoea, bladder troubles, frequent urination, and inflammation, whereas the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed in said statements.

On January 24, 1922, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

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

10171. Misbranding of Planten's black capsules and special capsules. U. S. * * * v. 8 Dozen Boxes of * * * Planten's Black Capsules and 8 Dozen Boxes of * * * Special Capsules * * *. Consent decree declaring the black capsules to be misbranded and ordering their release under bond. Default decree of condemnation, forfeiture, and destruction with respect to the special capsules. (F. & D. Nos. 10446, 10447. I. S. Nos. 2765-r, 2768-r. S. Nos. W-380, W-381.)

On May 27, 1919, the United States attorney for the Northern District of California, 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 8 dozen boxes of Planten's black capsules and 8 dozen boxes of special capsules, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by H. Planten & Son, Brooklyn, N. Y., September 5, 1917, and May 14, 1918, respectively, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Planten's C. & C. or Black Capsules * * * H. Planten & Son, Brooklyn, N. Y.," and "Special Capsules Copaiba And Cubebe (With Haarlem Oil And Salol) * * *"

Misbranding of the articles was alleged in substance in the libels for the reason that certain statements appearing in the labeling of the respective articles falsely and fraudulently represented that the black capsules were effective for the treatment of diseases pertaining to the kidneys, bladder, and urinary organs, for gonorrhoea and gleet, in restoring a healthy condition of the mucous membranes of the genito-urinary tract, and for the treatment of chronic and acute gonorrhoea, gleet, and urethritis; and that the special capsules were effective as a valuable remedy for difficult and obstinate cases of gonorrhoea, gleet, urinary affections, inflammation of the bladder, and all discharges, restoring the healthy condition of the mucous membranes in gonorrhoea and kindred affections, and most effective in chronic and acute gonorrhoea, gleet, cystitis, and inflammation of the bladder, stopping the discharges in a few days; whereas the said articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed.

On June 10, 1919, no claimant having appeared for the special capsules, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal. On October 11, 1919, H. Planten & Son, Brooklyn, N. Y., having entered an appearance as claimant for the black capsules and having consented to a decree, judgment of the court was entered declaring the said product to be misbranded and