

in part of added water prepared in imitation of pure apple cider, pure cider vinegar, distilled spirit vinegar, or distilled white vinegar, as the case might be, and were offered for sale and sold under the distinctive names of other articles, to wit, pure apple cider, pure cider vinegar, distilled spirit vinegar, or distilled white vinegar. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the respective packages.

On January 18, 1922, the defendant having failed to enter an appearance, the \$150 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

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

10515. Misbranding of Lung Germine. U. S. * * * v. 23 Bottles, 24 Bottles, and 33 Bottles of Lung Germine. Default decrees ordering destruction of the product. (F. & D. Nos. 15226, 15227, 15228. Inv. Nos. 32818, 32819, 32820. S. No. E-3477.)

On or about July 22, 1921, the United States attorney for the Eastern District of Virginia, 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 23 bottles, 24 bottles, and 33 bottles of Lung Germine, remaining in the original unbroken bottles at Richmond, Va., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about March 7 and 23 and May 16, 1921, respectively, and transported from the State of Michigan into the State of Virginia, 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 essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and aromatics.

Misbranding of the article was alleged in substance in the libels for the reason that the carton and bottle containing the said article and the accompanying booklet bore the following statements regarding the curative and therapeutic effect of the said article, (bottle) “* * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) * * * Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle * * *” (carton) “* * * Your Lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble Do Not Neglect These Symptoms. Keep Lung Germine in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation. * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages). * * *” (booklet, “Your Lungs,” in English) “* * * What You Want To Know About Lung Germine. As a sufferer from mucous membrane affections of the lungs and bronchial irritation, readily susceptible to the primary or pre-tubercular stage of pulmonary consumption, you are deeply interested in learning all that you can about any medicine or treatment for relieving these distressing afflictions. In the following paragraphs will be found a brief description of what Lung Germine is, what it has done for others, how it is used, and what you may reasonably hope it may do for you. In recommending Lung Germine to the world of sufferers from incipient mucous membrane affection of the lungs, and bronchial irritation, we do so with the fullest confidence. * * * The remarkable results it has accomplished * * * excessive coughs for months * * * splendid results * * * weak membranes of the lungs and * * * nearly always suffering from a severe cough and weakness, * * * Lung Germine relieved the trouble. * * * before taking Lung Germine their lungs had been * * * affected, and that after using Lung Germine * * * their lungs were * * * found to be relieved. * * * recommended for lung and bronchial troubles, * * * We recommend Lung Germine for alleviating the cough, increasing the strength and general health in such conditions of cellular hyperplasia, affecting the mucous mem-

branes of the air passages with the consequent risk of a multiplication of cells, filling up a greater or less number of the air vesicles of the lungs; generally those of the apex, and then, consumption, or malignant attacks of the lungs and bronchial tract results. * * * It is, therefore, of vital importance that sufferers take the treatment Lung Germine, which has a decided influence upon the general condition of the system, alleviating the cough and night sweats, aiding expectoration, increasing the strength and general health of the sufferer, and often retarding, if not arresting, the pulmonary disorganization. Lung Germine contains * * * only such ingredients as are of recognized therapeutic value for the treatment of the conditions as outlined. One of the ingredients * * * is recognized * * * as a nutrient of inestimable influence during phthisis. * * * it does more good than all other remedies of the Pharmacopœia (Standard authority for medicines) combined. * * * Lung Germine has been proven beyond question to possess a remarkable beneficial influence; it has produced splendid results * * * relieving defective nutrition, with its consequent pallor, anemia, night sweats, excessive coughing and expectoration of germ-laden mucous from the affected parts * * * the coughing will become less and less and a general improvement may be confidently expected. * * * the long record of extraordinary instances of relief which Lung Germine has produced should encourage every sufferer from incipient membranous lung disease * * * No such sufferer should feel in the least discouraged about his or her condition, if Lung Germine has yet to be tried. * * * If you are suffering from lung * * * trouble that has not passed the incipient stage * * * you are using the best medicine known for such afflictions when you use Lung Germine. * * * consumption * * * What To Do For Hemorrhage * * * bleeding from the lung * * * What To Do For Persistent Night Sweats Night sweats are a commonly recognized symptom of tuberculosis * * * Consumption * * * tuberculosis * * * tubercle bacilli * * * germs of tuberculosis * * * " (other languages) "Lung Germine for chronic lung * * * afflictions * * * Lung Germine for chronic lung or bronchial diseases * * * " which statements were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effect claimed.

On October 12, 1921, no claimant having appeared for the property, judgments of the court were entered ordering the destruction of the product by the United States marshal.

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

10516. Adulteration and misbranding of oil. U. S. * * * v. 200 One Gallon Cans, 100 One-Half Gallon Cans, and 24 One-Quarter Gallon Cans of * * * La Provence Brand Oil, 6 One Gallon Cans of * * * Caproni Brand Oil, et al. Consent decrees of condemnation and forfeiture entered with respect to the La Provence Brand oil and a portion of the Caproni Brand oil and said products released under bond. Default decrees of condemnation and forfeiture entered with respect to the remainder and products delivered to the Salvation Army for consumption. (F. & D. Nos. 15231, 15232, 15233, 15235, 15236, 15244, 15245, 15246, 15283, 15355. S. Nos. E-3470, E-3473, E-3474, E-3475, E-3467, E-3479, E-3483, E-3484, E-3495, E-3566. I. S. Nos. 6236-t, 6238-t, 6239-t, 6240-t, 6241-t, 6243-t, 6244-t, 6249-t, 6714-t, 7030-t, 15401-t, 15402-t, 15403-t, 15404-t, 15405-t, 15406-t, 15407-t.)

On July 22, 26, and 27, August 5, and September 2, 1921, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district various libels and on August 11, 1921, amendments to certain of the said libels, praying the seizure and condemnation of 200 gallon cans, 100 half-gallon cans, and 24 quart cans of La Provence Brand oil, 12 gallon cans, 12 half-gallon cans, and 24 quart cans of Caproni Brand oil, 23 gallon cans of a compound of vegetable oils, and 14 gallon cans and 22 half-gallon cans of oil, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Littauer Oil Co., Guttenberg, N. J., between the dates May 4 and June 17, 1921, and transported from the State of New Jersey into the State of New York, and charging that a portion of the said articles was adulterated and misbranded and the remainder thereof misbranded, in violation of the Food and Drugs Act, as amended. The articles were labeled variously in part: "La Provence Brand Oil * * * Pressed From Cotton Seeds * * * Better Than Olive Oil * * * Littauer Oil Co., Guttenberg, N. J."; "Caproni Brand Oil For Salads and Cooking Blended With Pure