

the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the S. Pfeiffer Mfg. Co., St. Louis, Mo., on or about July 26, 1920, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Gold Medal Brand Sexual Pills For Vim, Vigor and Vitality."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained phosphorus and extracts of nux vomica and damiana.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling of the said article, regarding its curative and therapeutic effects, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 2, 1922, 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.*

**10538. Misbranding of sour gherkins. U. S. \* \* \* v. 37 Cases \* \* \* of Sour Gherkins. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15921. I. S. No. 3918-t. S. No. C-3010.)**

On January 16, 1922, the United States attorney for the Western District of Oklahoma, 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 37 cases, each containing 48 cans, of sour gherkins, remaining unsold in the original unbroken cases at Oklahoma City, Okla., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., on or about November 22, 1921, and transported from the State of California into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Case) "Del Monte Brand Quality Sour Gherkins California Packing Corporation San Francisco."; (can) "Del Monte Brand \* \* \* Net Weight 12 Oz. Drained Weight 8½ Oz. \* \* \*"

Misbranding of the article was alleged in substance in the libel for the reason that the cans containing the article were labeled as above quoted so as to deceive and mislead the purchaser, in that the said labels represented the cans to contain the net weight 12 ounces and drained weight 8½ ounces, when, in truth and in fact, they did not contain said quantity of food. Misbranding was alleged in substance for the further reason that the quantity of the contents of the said cans was not plainly and conspicuously marked on the outside thereof in that the said labels were marked "Net Weight 12 Oz. Drained Weight 8½ Oz.," when, in truth and in fact, the said cans did not contain the said quantity of food and the variation therefrom was unreasonable.

On May 13, 1922, the California Packing Corp., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered declaring the product to be misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

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

**10539. Misbranding of Nunn's Black Oil healing compound. U. S. \* \* \* v. 5 Dozen Large and ½ Dozen Small Bottles, et al., of Nunn's Black Oil Healing Compound. Default decrees of condemnation and forfeiture. Product ordered disposed of according to law. (F. & D. Nos. 16100, 16101. I. S. Nos. 13962-t, 13964-t. S. Nos. W-1069, W-1070.)**

On April 17, 1922, the United States attorney for the Southern 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 5 dozen large and 6½ dozen small bottles of Nunn's Black Oil healing compound, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Dr. Nunn's Black Oil Co., Salt Lake City, Utah, alleging that the article had been shipped from Salt Lake City, Utah, August 26, 1921, and March 7, 1922, respectively, and transported from the State of Utah into

the State of California, 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 a mixture of a sulphureted vegetable oil and kerosene.

Misbranding of the article was alleged in substance in the labels for the reason that the following statements appearing on the labels of the packages containing the said article and in the accompanying circular, to wit, (label, both sizes) "A Safe, Speedy, Reliable Relief For \* \* \* Fistulas, Withers, Poll Evil \* \* \* Scalded Heads on Children, Skin Eruptions, also Colic \* \* \* Coughs and Distemper in Horses and Cattle, Roup in Chickens, etc. \* \* \*," (label, large size additional) "Coughs, \* \* \* Colic, \* \* \* Ninety per cent of cases are cured in twenty minutes; then quit. \* \* \*" (circular, both sizes) "\* \* \* Teamsters Safeguard \* \* \* Horse Coughing, \* \* \* Horse got Distemper, Pink Eye, etc., \* \* \* Horse got Colic. \* \* \* Chicken got Roup, \* \* \* Stallions, give on tongue \* \* \* during season, \* \* \* Get well acquainted with the workings of this medicine, \* \* \* and remember anything on man or beast that has a sore of any description. The Black Oil Is Your Doctor. Try It And Be Convinced \* \* \* Don't Let Your Chickens Die With Avian Diphtheria Known as Chicken Roup \* \* \* While Avian Diphtheria is entirely different from the human form, cases are recorded where children have contracted serious and even fatal sore throat from this source. \* \* \* Don't waste any time. Catch the fowl and give half teaspoonful to each chicken diseased in mouth, and smear the whole head, once a day, for three days with Dr. Nunn's Black Oil Healing Compound \* \* \*," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 29, 1922, 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 disposed of according to law. The product was destroyed.

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

**10540. Adulteration and misbranding of orange drip compound and grape drip compound. U. S. \* \* \* v. Julius King (with others trading as the Orange Drip Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15858. I. S. Nos. 5964-t, 9304-t.)**

On March 20, 1922, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius King, a member of a copartnership trading as the Orange Drip Co., Chattanooga, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 6, 1921, from the State of Tennessee into the State of Florida, of a quantity of grape drip compound, and on or about July 7, 1921, from the State of Tennessee into the State of Pennsylvania, of a quantity of orange drip compound, which were adulterated and misbranded. The articles were labeled in part, respectively: (Kegs) "Grape Drip Compound \* \* \* The Orange Drip Company, Chattanooga, Tenn. \* \* \*" and "Orange Drip Compound \* \* \*"

Analysis of a sample of the grape drip compound by the Bureau of Chemistry of this department showed that it was a sugar sirup artificially colored and flavored, with added citric acid and phosphates, and containing apparently no portion of the natural grape; analysis of a sample of the orange drip compound by said bureau showed that it was a sugar sirup artificially colored and flavored with orange oil, but containing no fruit juice.

Adulteration of the articles was alleged in substance in the information for the reason that substances, to wit, an artificially colored and flavored sirup containing no grape or grape juice, or an artificially colored sugar sirup flavored with orange oil and containing no orange fruit or juice of orange fruit, as the case might be, had been substituted wholly or in part for a fruit sirup containing grape or grape juice or a preparation containing orange fruit or juice of orange fruit, which the said articles purported to be. Adulteration was alleged in substance for the further reason that an artificially colored and flavored sirup or an artificial coloring matter, as the case might be, had been mixed with the said articles in a manner whereby their inferiority to the articles they purported to be was concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Grape Drip Compound" and "Orange Drip Compound," borne on the kegs