

On November 28, 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.*

10912. Misbranding of Bick's Daisy 99. U. S. v. 7 Bottles of Bick's Daisy 99. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13955. S. No. C-2586.)

On December 9, 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 7 bottles of Bick's Daisy 99, remaining in the original unbroken packages at Greenville, Miss., alleging that the article had been shipped by the Palestine Drug Co., St. Louis, Mo., on or about February 15, 1919, 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: (Wrapper and bottle) "For Gonorrhoea, Gleet, Leuchorrhoea, Kidney and Bladder Troubles, Chronic Seminal and Mucous Discharges. For Male and Female"; (wrapper) "Absolutely Reliable; Perfectly Safe and Sure; Never has Failed; * * * In severe cases use from one to three bottles."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs, including cascara sagrada and buchu, sodium acetate, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof, appearing in the label of the bottle containing the said article and in the accompanying wrapper, were false and fraudulent in that the said article had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effects.

On November 28, 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.*

10913. Adulteration and misbranding of barley feed. U. S. v. Timothy G. Jewett, Howard D. Jewett, and Roy L. Jewett (T. G. Jewett & Sons). Pleas of guilty. Fines, \$75 and costs. (F. & D. No. 15466. I. S. No. 10923-r.)

On January 14, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Timothy G. Jewett, Howard D. Jewett, and Roy L. Jewett, copartners, trading as T. G. Jewett & Sons, Portsmouth, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 21, 1920, from the State of Ohio into the State of Kentucky, of a quantity of barley feed which was adulterated and misbranded. The article was labeled in part: "Barley Feed Made by T. G. Jewett & Sons, Portsmouth, Ohio."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained at least 14 per cent of oats, cultivated and wild, and at least 3 per cent of weed seeds, straw, and chaff.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, cultivated and wild oats, weed seeds, straw, and chaff, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for barley feed which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Barley Feed," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients contained therein, was false and misleading in that it represented that the article consisted wholly of barley feed, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of barley feed, whereas, in truth and in fact, it did not so consist but did consist in part of cultivated and wild oats, weed seeds, straw, and chaff.

On March 23, 1922, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$75, together with the costs.

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