

On February 10, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11815. Misbranding of Ferraline. U. S. v. 68 Bottles of Ferraline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16295. S. No. C-3612.)

On May 12, 1922, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 68 bottles of Ferraline, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Ferraline Medicine Co., Demopolis, Ala., on or about September 22, 1921, and transported from the State of Alabama into the State of Louisiana, 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 about 3 per cent of iron sulphate and other iron compounds and about 97 per cent of water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, (bottle) "For Indigestion, Rheumatism, Catarrh Of Stomach, Inflammation Of Stomach, Dysentery, Kidney Trouble System Builder," (carton) "For Rheumatism, Indigestion, Dyspepsia, Catarrh of Stomach, Inflammation of Stomach, Dysentery. System Builder * * * Builds up the Rundown System, Restores Vitality, cures 'Spring Fever' and has no equal in the treatment of Kidney Trouble. For weak, Puny Children this Natural Remedy can be relied upon no matter how serious or long standing," (circular) "an excellent system builder * * * For Indigestion, Dyspepsia, Catarrh Of The Stomach * * *. If the first dose fails to relieve * * * repeat until relieved. Rheumatism * * * Bad Blood * * * Dysentery Or Bloody Flux * * * Burns * * * Run Down Condition * * * Kidney Trouble And Backache * * * permanent relief to those suffering with Indigestion Rheumatism Bad Blood Run Down System Burns * * * Etc. * * * 'Ferraline' Will help prevent Influenza. * * * 'I had a bad case of influenza and pneumonia * * *. 'Ferraline' cured me entirely * * *.' * * * It will make delicate run-down women beautiful, healthy and strong," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 12, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11816. Misbranding of DeWitt's eclectic cure. U. S. v. 3 Dozen Bottles and 2 Dozen Bottles of DeWitt's Eclectic Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16394. S. No. E-3952.)

On June 24, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 dozen large bottles and 2 dozen small bottles of DeWitt's eclectic cure at Arabi, Ga., alleging that the article had been shipped by the W. J. Parker Co., from Baltimore, Md., June 1, 1922, and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) (both sizes) "Dr. DeWitts Eclectic Cure * * * For Cramps, Colic and Diarrhoea * * * Indigestion * * * Horse Colic;" (carton) (both sizes) "Cure * * * for Indigestion, Diarrhoea, Cramps, * * * Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * Cholera * * * Cholera Morbus * * * Rheumatism and Pains generally * * * Sprains or Frosted Feet;" (circular) (in retail package, large size, and in shipping package, small size) "Cure * * * for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * spasmodic attacks * * * Swelling of the Stomach * * * Sprains * * * Horse Colic * * * Chicken Cholera."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, 67 per cent of alcohol, and water.

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

On April 18, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11817. Adulteration of shell eggs. U. S. v. Jessiemae Cherry and Tobe Deahl (Cherry & Deahl). Pleas of guilty. Fine, \$10. (F. & D. No. 16405. I. S. No. 1047-t.)

On September 20, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jessiemae Cherry and Tobe Deahl, copartners, trading as Cherry & Deahl, Dodsonville, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 10, 1921, from the State of Texas into the State of Oklahoma, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Cherry & Deahl Dodsonville, Texas."

Examination by the Bureau of Chemistry of this department of 180 eggs from the consignment showed that 51, or 28.33 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed animal substance.

On June 15, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11818. Misbranding of butter. U. S. v. Tennessee Creameries, a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17125. I. S. Nos. 3037-v, 3080-v, 3101-v, 10278-v, 8194-t, 8195-t.)

On May 22, 1923, the United States attorney for the Middle 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 the Tennessee Creameries, a corporation, Nashville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about September 16, 1922, from the State of Tennessee into the State of Florida, and on or about May 16, August 31, September 5, and September 12, 1922, respectively, from the State of Tennessee into the State of Georgia, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Pure Gold Brand Creamery Butter * * * One Pound Net." The remainder of the said article was labeled in part: "T C Pasteurized Creamery Butter One Pound Net Weight * * * Made By Tennessee Creameries Nashville, Tenn."

Examination by the Bureau of Chemistry of this department of 80, 150, 90, 100, 150, and 90 packages of the article from the various consignments showed an average net weight of 15.28, 15.34, 15.48, 15.59, 15.68, and 15.67 ounces, respectively.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "One Pound Net," and "One Pound Net Weight," as the case might be, borne on the packages containing the article, regarding the said article, were false and misleading in that the said statements represented that each of the said packages contained 1 pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of the said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further 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.