

Fruit Products Co., St. Louis, Mo., alleging that the articles had been shipped from St. Louis, Mo., on or about July 12, 1922, and transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "Clymer's Jelly Apple-Plum" (or "Apple-Raspberry" or "Apple-Grape" or "Apple-Blackberry" or "Apple-Strawberry" or "Pure Apple") "Contents 7 Ozs. Temtor Corn & Fruit Products Co. St. Louis."

Adulteration of the articles was alleged in substance in the libel for the reason that a product composed of pectin, sugar, tartaric acid and, with the exception of the product labeled "Pure Apple," containing artificial color, had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and had been substituted wholly or in part for the various jellies. Adulteration was alleged with respect to the said articles, with the exception of the product labeled "Pure Apple," for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the respective labels contained certain above-mentioned statements which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On April 24, 1923, the Best-Clymer Mfg. Co., St. Louis, Mo., having appeared as claimant for the property, judgment of the court was entered condemning the articles as being misbranded and ordering that they 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 they be relabeled in a manner satisfactory to this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12045. Misbranding of Ironglad tonic tablets. U. S. v. 9 Packages of Ironglad Tonic Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17672. I. S. No. 11468-v. S. No. W-1398.)**

On July 31, 1923, the United States attorney for the Western District of Washington, 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 9 packages of Ironglad tonic tablets, at Seattle, Wash., alleging that the article had been shipped by the Sanitary Products Co., from San Francisco, Calif., on or about April 20, 1923, and transported from the State of California into the State of Washington, 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 the product consisted of pills containing an iron compound and material of animal origin, coated with sugar, starch, and calcium carbonate, and colored with a red dye.

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, (carton and pink circular) "Ironglad tonic tablets are for the up-building of the Genital Organs of both Male and Female. \* \* \* of Great Value in Restoring Youthful Vigor and Vitality to Weak, Rundown Nervous Men and Women," (carton) "Used For Sexual Debility Lost Vitality \* \* \* Nervousness Asthenia Low Blood Pressure Weaknesses Sexual Neurasthenia," (pink circular) "If You Suffer From Sexual Debility Sexual Neurasthenia \* \* \* Low Blood Pressure Nervousness \* \* \* Lost Vitality Run-Down Condition General Weaknesses, Etc. Take Ironglad Tonic Tablets \* \* \* The Most Important Glands Are The Sex Glands \* \* \* control the life energy of the whole system in both Male and Female. Every muscle, nerve and tissue is actuated by the tremendously powerful secretions from the sex glands. Depletion of the vital sex fluids always accompanies old age and debility. \* \* \* A Rejuvenating Tonic and Gland Builder A Renewal of Strength, Especially to the Functioning of the Glands \* \* \* for Low Vitality, loss of vigor and endurance in the overworked or abused male system. For Women: For weakened physical conditions, etc.," (white circular) "Rejuvenation for Men and Women \* \* \* Recommended for Sexual Debility, Nervousness, General sicknesses," which were false and fraudulent and misleading and deceived and misled the purchaser.

On October 11, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12046. Misbranding of digester tankage. U. S. v. Rogers By-Products Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 17133. I. S. Nos. 3857-v, 3858-v, 3859-v, 13655-t.)**

On July 9, 1923, the United States attorney for the Northern District of Illinois, 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 Rogers By-Products Co., a corporation, trading at Aurora, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about June 30, July 3, and July 6, 1922, respectively, from the State of Illinois into the State of Iowa, and on or about March 30, 1922, from the State of Illinois into the State of Indiana, of quantities of digester tankage which was misbranded. A portion of the article was labeled in part: "Hyklass \* \* \* Digester Tankage Guaranteed Analysis Protein 60% \* \* \* Made By Rogers By-Products Co. Aurora, Ill." The remainder of the said article was labeled in part: "The Rogers By-Products Company, of Aurora, Ill., Guarantees this Hyklass Digester Tankage to contain not less than \* \* \* 60.0 per cent. of crude protein."

Analyses by the Bureau of Chemistry of this department of a sample taken from each of the four consignments of the product showed that it contained less protein than declared on the labels, the said samples containing approximately 51.30, 52.41, 54.91, and 55.56 per cent, respectively, of protein.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 60%," "Protein 60%," and "The Rogers By-Products Company, of Aurora, Ill., Guarantees this Hyklass Digester Tankage to contain not less than \* \* \* 60.0 per cent. of crude protein," borne on the labels of the sacks containing the respective consignments of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 60 per cent of protein, 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 contained not less than 60 per cent of protein, whereas, in truth and in fact, the said article did contain less than 60 per cent of protein, the said consignments containing approximately 51.30, 52.41, 54.91, and 55.56 per cent, respectively, of protein.

On November 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12047. Misbranding of Syrup Leptinol. U. S. v. 32 Bottles of Syrup Leptinol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16089. S. No. C-3509.)**

On April 10, 1922, the United States attorney for the Northern District of Illinois, 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 32 bottles of Syrup Leptinol, at Chicago, Ill., alleging that the article had been shipped by the Balsamea Co., from San Francisco, Calif., on or about December 5, 1921, and transported from the State of California into the State of Illinois, 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 extract of *Leptotania dissecta*, sugar, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its curative or therapeutic effects, appearing on the bottle containing the said article and in the accompanying wrapper and booklet, (bottle and wrapper) "Indicated In Pulmonary Tuberculosis, Epidemic Influenza, Pneumonia \* \* \* Bronchial Asthma, Whooping Cough," (booklet) "Indicated In Pulmonary Tuberculosis Influenza Pneumonia Bronchial Asthma \* \* \* Whooping Cough Laryngitis," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that the said article was