

seizure and condemnation of 140 pounds of butter, remaining in the original packages at Wichita Falls, Tex., alleging that the article had been shipped by the Sunshine Creamery, from Gage, Okla., on or about August 2, 1923, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Print) "Sunshine Butter Sunshine Creamery Gage, Oklahoma * * * One Pound Net Weight" (or "One-Half Pound Net Weight"); (case) "From The Sunshine Creamery G. H. Sweeney Gage, Okla."

Misbranding of the article was alleged in the libel for the reason that the statements, "One Pound Net Weight" and "One-Half Pound Net Weight," appearing on the labeling, were false and misleading and deceived and misled the purchaser. 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.

On November 27, 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 sold by the United States marshal.

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

12123. Misbranding of Smith's buchu lithia pills. U. S. v. 161 Boxes, et al., of Smith's Buchu Lithia Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 17905, 17906, 17907. S. Nos. E-4527, E-4528, E-4530.)

On November 5, 1923, the United States attorney for the Southern District of New York, 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 451 boxes of Smith's buchu lithia pills, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by W. F. [C. F.] Smith, from Boston, Mass., in various consignments, namely, on or about June 3, August 25, and September 27, 1923, respectively, and transported from the State of Massachusetts into the State of New York, 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 pills consisted essentially of potassium and sodium nitrate and citrate, magnesia, licorice, uva ursi, and soap, coated with sugar and iron oxide.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, regarding its curative and therapeutic effects, (box and circular) "For Rheumatism And All Diseases Of The Kidneys, Blood And Urinary Organs. Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Gravel, Stone in the Bladder, Pain in Back, Lumbago, etc., Sleeplessness, Nervousness, Female Complaints and Irregularities And all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent," (circular) "a specific for Rheumatism and all diseases of the Kidneys and Bladder. * * * by removing the cause * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia * * * and a long train of diseases. * * * They cure rheumatism, because they cure the kidneys * * * 'permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble * * * sure cure for kidney trouble * * *.' '* * * the best remedy for weak kidneys * * *,' '* * * recommend them to any one with suppression or stoppage of urine.' * * * For Backache, Inflammation of the Kidneys * * * Bladder * * * Dropsy, Whites or Leucorrhoea * * * Loss of Sleep, Lost Vitality, Painful Menstruation * * * Catarrh of the Bladder Incontinence of Urine or Inability to Hold Water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood. * * * permanent cures will certainly be the result. * * * If your case is chronic continue their use * * * they will cure any case," were false and fraudulent, since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On March 17, 1924, 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.*

12124. Adulteration and misbranding of butter. U. S. v. 200 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18394. I. S. No. 13130-v. S. No. E-4741.)

On February 18, 1924, the United States attorney for the Southern District of New York, 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 200 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sunlight Creameries, from Washington Court House, Ohio, on or about July 12, 1923, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted from the article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 14, 1924, Droste & Snyder, Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,700, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

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

12125. Misbranding of La Derma vagiseptic discs, Bick's nerve tonic, Arthur's sextone tablets, Arthur's emmenagogue pills, Leslie's emmenagogue pills, Thomas' emmenagogue pills, Bick's sextone pills, Bick's Daisy 99, and Bick's sarsaparilla compound. U. S. v. 22 Boxes of La Derma Vagiseptic Discs, et al. Default decrees of condemnation and forfeiture. Products ordered disposed of according to law. (F. & D. Nos. 15391, 15392. S. Nos. C-3233, C-3238.)

On September 28, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 27 boxes of La Derma vagiseptic discs, 33 boxes of Bick's nerve tonic, 10 packages of Arthur's sextone tablets, 11 packages of Arthur's emmenagogue pills, 16 packages of Leslie's emmenagogue pills, 5 packages of Thomas' emmenagogue pills, 11 packages of Bick's sextone pills, 2 bottles of Bick's Daisy 99, and 2 bottles of Bick's sarsaparilla compound, at Cooper, Tex., alleging that the articles had been shipped by the Palestine Drug Co., St. Louis, Mo., in various consignments, namely, on or about September 23, 1918, October 14 and 21, 1919, and November 13, 1920, respectively, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the La Derma vagiseptic discs contained salt, alum, starch, milk, sugar, and talc; that Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; that Arthur's sextone tablets contained iron oxide, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; that Arthur's emmenagogue pills, Leslie's emmenagogue pills, and Thomas' emmenagogue pills contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink; that Bick's sextone pills consisted of two products—chocolate-colored pills containing a small amount of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxide, and 7 per cent of powdered talc, and