

On March 27, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12564. Misbranding of Foley kidney pills. U. S. v. 21 Dozen Bottles, et al., Foley Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18045, 18046. I. S. Nos. 4699-v, 4700-v. S. Nos. C-4180, C-4181.)

On November 13, 1923, 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 libels praying the seizure and condemnation of 21 dozen small bottles and 11½ dozen large bottles of Foley kidney pills, at Cincinnati, Ohio, consigned by Foley & Co., Chicago, Ill., between the dates of June 8 and October 23, 1923, alleging that the article had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label, carton, and circular) "Kidney Pills for Irritation;" (circular) "Irritations of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders * * * kidneys * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st.—Water should be drunk freely * * *. 2nd—The bowels must be kept active * * *. 3rd—The diet is of great importance." A circular accompanying the large bottles contained also the statement "satisfaction guaranteed."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources, including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in the libels for the reason that the bottle labels, cartons, and circulars bore statements regarding the curative and therapeutic effect of the said article which were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On December 21, 1923, 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 destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12565. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17670. I. S. No. 4567-v. S. No. C-4068.)

On July 9, 1923, 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 a libel praying the seizure and condemnation of 10 cases of eggs remaining in the original unbroken packages at Cincinnati, Ohio, consigned by W. O. Crombie & Co., Carlisle, Ky., July 5, 1923, alleging that the article had been shipped from Carlisle, Ky., and transported from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "W. O. Crombie & Co. Carlisle Ky."

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

On July 10, 1923, the Blome Dreifus Co., Cincinnati, Ohio, having appeared as claimant for the property and having 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 \$50, in conformity with section 10 of the act, conditioned in part that the article be candled under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*