

**12743. Misbranding of olives. U. S. v. 3 Cases and 4 Cases of Olives. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 18651. I. S. Nos. 12619-v, 12620-v. S. No. E-4830.)

On May 6, 1924, the United States attorney for the District of Maryland, 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 7 cases of olives, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by James P. Smith & Co., from New York, N. Y., on or about April 3, 1924, and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Bottle) "Pimento Stuffed Olives Net Wt. 3 Oz." The remainder of the article was labeled in part: "Queen Olives Net Wt. 4 Oz."

Misbranding of the article was alleged in the libel for the reason that the statements "Net Wt. 3 Oz." and "Net Wt. 4 Oz.," borne on the respective labels, 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 June 21, 1924, James P. Smith & Co., New York, N. Y., having appeared as claimant for the property, 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 \$100, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

**12744. Misbranding of Tu-Ber-Ku. U. S. v. 9 Bottles of Tu-Ber-Ku. Decree entered ordering product destroyed.** (F. & D. No. 18209. I. S. No. 7341-v. S. No. C-4237.)

On December 27, 1923, 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 praying the seizure and condemnation of 9 bottles of Tu-Ber-Ku, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the Cawthon-Coleman Drug Co., from Selma, Ala., on or about January 29, 1923, and transported from the State of Alabama into the State of Mississippi, 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 glycerin, alcohol, sugar, water, and a trace of a phenolic substance, flavored with peppermint oil.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, (carton and bottle labels) "Tu-Rer-Ku \* \* \* For Consumption, \* \* \* Croup, Colic, Catarrh and Asthma," (carton) "for \* \* \* all Throat and Lung Troubles \* \* \* has accomplished many wonderful cures even in cases given up by physicians \* \* \* in all chronic cases," were false, fraudulent, and misleading, and deceived and misled the purchaser, since the said statements were not correct.

On September 16, 1924, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

**12745. Misbranding of Smith's buchu lithia pills. U. S. v. 12 Dozen Boxes of Smith's Buchu Lithia Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17976. S. No. E-4565.)

On November 7, 1923, the United States attorney for the Western District of Pennsylvania, 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 12 dozen boxes of Smith's buchu lithia pills, at Pittsburgh, Pa., consigned by C. F. Smith, Boston, Mass., alleging that the article had been shipped on or about October 16, 1923, and transported from the State of Massachusetts into the State of Pennsylvania, 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 was an iron oxide-coated pill containing powdered licorice, extracts of plant drugs, including uva ursi and podophyllum, sodium, potassium, lithium and magnesium compounds, including nitrate and citrate, and soap.

Misbranding of the article was alleged in the libel for the reason that the following statements, regarding the therapeutic or curative effects of the said article, appearing on the labels, (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", (testimonials) "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 \* \* \* 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", (additional circular) "remove acid and keep kidneys and bladder healthy," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to the purchaser and create in the mind of such purchaser the impression and belief that the article contained ingredients or medical agents effective as a remedy for the aforesaid conditions and diseases, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On September 26, 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.*

**12746. Adulteration of shell eggs. U. S. v. Norfolk Poultry Co., a Corporation. Plea of guilty. Fine, \$5. (F. & D. No. 18583. I. S. No. 7025-v.)**

On June 24, 1924, the United States attorney for the District of Nebraska, 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 Norfolk Poultry Co., a corporation, Plainview, Nebr., alleging shipment by said company, in violation of the food and drugs act, on or about July 18, 1923, from the State of Nebraska into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,800 eggs from the consignment showed that 192, or 10.67 per cent of those examined, were inedible eggs, consisting of black rots, mixed 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, decomposed, and putrid animal substance.

On September 22, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

HOWARD M. GORE, *Secretary of Agriculture.*

**12747. Misbranding and alleged adulteration of white oats. U. S. v. 125 Sacks of Oats. Product relabeled and released. Costs assessed against claimant. (F. & D. No. 18912. I. S. No. 19586-v. S. No. C-4461.)**

On August 19, 1924, the United States attorney for the Western District of Tennessee, 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