

seizure and condemnation of 7 boxes of cheese at Washington, D. C., alleging that the article had been offered for sale and sold in the District of Columbia, in violation of the food and drugs act, by F. A. Denison & Co., Washington, D. C. and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that skim milk cheese had been substituted in part for the said article, and in that a valuable constituent, milk fat, had been in part abstracted.

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

F. A. Denison & Co., of Washington, D. C., intervened and claimed ownership of the cheese, whereupon it was stipulated by counsel representing the Government and the intervenor that the contract under which the cheese was delivered called for cheese made from whole milk and containing at least 50 per cent butterfat on a water free basis, whereas the cheese under seizure contained not more than 21 per cent butterfat on such water free basis; that the product was delivered as "cheese" implying thereby that it was cheddar cheese, a cheese made from whole milk, whereas it was in fact made from skim milk; and that the intervenor, F. A. Denison & Co., acted in good faith in the transaction, having no knowledge that the cheese was not in accordance with the specifications set forth in the contract or that it contained on the water free substance basis less than 50 per cent of butterfat.

On November 9, 1928, the court entered a decree adjudging the cheese to be adulterated and misbranded within the meaning of the act, and it was ordered by the court that the product be released to the intervenor to be relabeled or reconditioned under the supervision of the Department of Agriculture, upon the payment of costs and the execution of a bond in the amount of \$50, conditioned that the said product would not be sold or otherwise disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16207. Adulteration of almonds. U. S. v. 34 Sacks of Almonds. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 23276, 23278. I. S. No. 01409. S. No. 1398.)

On December 22, 1928, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 sacks of almonds, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Bennett Day Importing Co., from New York, N. Y., on or about November 24, 1928, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gasulls Best Dried Fruit B. D. I. Co. Stain Tarragonas Almonds."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 15, 1929, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16208. Misbranding of Hy'ne. U. S. v. 34 Packages of Hy'ne. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22264. I. S. No. 14500-x. S. No. 303.)

On December 9, 1927, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 packages of Hy'ne at Dubuque, Iowa, alleging that the article had been shipped by the Hy'ne Co., Chicago, Ill., on or about October 17, 1927, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric and salicylic acids, ammonia alum, thymol, quinine, and cacao butter.

The article was labeled in part: (Wrapper, box label, and circular) "Woman's * * * Remedy;" (circular) "The first two or three applications may cause a slight smarting or burning sensation for a few minutes. Pay no attention to this as it will cease after a few applications. The extent of the burn-

ing is a criterion of the depth of the disease, as a perfectly healthy person will not experience it in the slightest * * *. For aches, pains, or strains which may be attributed to the weakness of the genital organs, use one 'cone' at any time * * *. If the pains do not cease at the end of four hours, use another cone * * *. For excessive flowing, weaknesses, painful menstruation, etc. * * *. For suppressed, or irregular menstruation * * *. For leucorrhoea or whites use one cone every eight hours for four days, then one each night for a month, or until cured. * * * for womb diseases, unpleasant discharges, inflammations, ulceration, pains in kidneys or bladder, etc. * * * Hy'ne may cause a slight burning sensation when first used. Do not be alarmed at this. It will pass away as the parts become healthy. To an absolutely healthy person no sensation is felt. After using for three days syringe the parts well with hot water; in many cases pieces or chunks of tissue will be discharged. Do not be alarmed at this as it is just as it should be. These are the primary causes of local irritation—and it is often necessary to remove these by surgical operation, the only resort in serious cases of leucorrhoea, etc., except the use of Hy'ne. * * * as a soothing stimulant or tonic can be used beneficially by every woman * * *. To replace the prolapsed womb * * * a patient can readily replace the womb * * * and by the time the cones have cured engorgement and relaxed vagina, there will be no prolapsus."

It was alleged in the libel that the article was misbranded in that the above-quoted statements were false and fraudulent, since the said article did not contain any ingredient or combination of ingredients capable of accomplishing the results promised. Misbranding was alleged for the further reason that the following statements on the box label and in the circular were false and misleading, to wit, (box label) "Hy'ne is a guarantee of fullest compliance with the Pure Food and Drug Law and meets the highest requirements as to Uniformity, Purity, Efficiency, and therefore Reliability;" (circular) "Hy'ne is absolutely harmless. It contains no * * * deleterious substances. It is principally of vegetable origin and can be used without fear of injury."

On December 6, 1928, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16209. Misbranding of Jayzon's laxative cold tablets. U. S. v. 46 Dozen Packages of Jayzon's Laxative Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23371. I. S. No. 03066. S. No. 1518.)

On February 6, 1929, 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 seizure and condemnation of 46 packages of Jayzon's laxative cold tablets, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by D. C. Leo & Co. (Inc.), from Des Moines, Iowa, on or about September 19, 1928, and transported from the State of Iowa 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 this department showed that it consisted essentially of acetanilide, a small amount of cinchona alkaloids, and extracts of plant drugs, such as aloe, podophyllum, and capsicum.

It was alleged in the libel that the article was misbranded in that the statement, borne on the label of the carton (box), "A valuable preparation of * * * LaGrippe," regarding the curative and therapeutic effects of the said article, was false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statement was applied to the article knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchaser, and to create in the minds of purchasers thereof the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the disease named therein.

On March 4, 1929, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*