

On June 7, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16540. Adulteration and misbranding of Fenholloway Sulphur Springs water. U. S. v. 3½ Cases of Fenholloway Sulphur Springs Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23067. I. S. No. 02210. S. No. 1161.)

On September 13, 1928, the United States attorney for the Middle District of Georgia, 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 3½ cases of Fenholloway Sulphur Springs water, remaining in the original unbroken packages at Thomasville, Ga., alleging that the article had been shipped by A. E. Jackson, from Fenholloway, Fla., August 7, 1928, and transported from the State of Florida into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Original Fenholloway Sulphur Springs Water, the Greatest Health Restorer of the Twentieth Century 12 Oz. Net Bottled by A. E. Jackson, Fenholloway, Fla."

It was alleged in the libel that the article was adulterated under section 7 of the act, paragraph 6, under food, in that it consisted in part of a filthy animal and vegetable substance.

It was further alleged that the said article was misbranded under section 8 of the act, paragraph 3, as amended under drugs, in that the statement on the label, "The Greatest Health Restorer of the Twentieth Century," regarding the curative and therapeutic effects of the article was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. Further misbranding of the article under section 8 of the act, paragraph 3, as amended under food, was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package and was not expressed in terms of liquid measure.

On April 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16541. Misbranding of Fildrysine. U. S. v. 30 Bottles of Fildrysine. Default decree of condemnation, forfeiture, and destruction. F. & D. N. 23158. I. S. No. 02104. S. No. 1226.)

On or about October 25, 1928, the United States attorney for the District of Porto Rico, 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 30 bottles of Fildrysine at San Juan, P. R., alleging that the article was being offered for sale and sold in Porto Rico, by Serra, Garabis & Co., San Juan, P. R., 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 sodium, potassium, arsenic, mercury, and berberin compounds, iodides, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, borne on the carton and bottle label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle label) "Recommend for such states of the blood and skin which require the use of a depurative," (circular) "Cure yourself, * * * Our Lady of Lourdes, Fountain of Health, Hundreds of faithful people annually visit in search of health, the Miraculous Fountains of Lourdes. You do not need to make such an expensive trip; have faith in the medicines prescribed in this pamphlet and you will enjoy good health. Faith is what saves * * * Out with the bad humors with the use of this prodigious and new depurative, the most powerful blood purifier * * * Its use is indicated in all the diseases which are due to bad humors or viciated blood, either recent or chronic, hereditary or by contagion. Therefore, it combats with efficacy Filariosis (chronic inflammation of the legs) Syphilis (chancres, chancroids, cutaneous eruptions and other

affections of the cells and organs derived from them) Erysipelas, Glandular Infarcts (Adenitis) Chronic Ulcers, Grains, Blemishes, Herpes, Eczema, Groins, Pimples, Rheumatism, Gout, Inflammation of the Joints, Buboes, etc. * * * In the treatment of Syphilis, after a series of Antisyphilitic injections such as Salvarsan (606) or Neo-Salvarsan (914), nothing will complete more efficaciously its radical cure than a series of six bottles of Fildry sine, this prodigious depurative."

On December 7, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16542. Adulteration and misbranding of pure living cultures of Bulgarian bacillus. U. S. v. 10 Packages of Pure Living Cultures Bulgarian Bacillus. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23088. I. S. No. 01645. S. No. 1178.)

On September 22, 1928, the United States attorney for the District of Indiana, 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 10 packages of living cultures of Bulgarian bacillus remaining in the original and unbroken packages at Evansville, Ind., alleging that the article had been shipped by H. K. Mulford & Co., from Chicago, Ill., on or about July 18, 1928, and transported from the State of Illinois into the State of Indiana and charging adulteration and misbranding in violation of the food and drugs act.

Examination of a sample of the article by this department showed that it contained no *Bacillus bulgaricus*.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, "Pure living cultures Bulgarian Bacillus * * * each cc contains approximately 50 million *B. bulgaricus* at time of sale."

Misbranding was alleged for the reason that the statements on the label of the container and on the wrapper and circular, namely, (container) "Pure Living Cultures Bulgarian Bacillus. (Bulgarian Lactic Acid Bacillus)," (wrapper) "Each CC contains approximately 50 million *B. bulgaricus* at time of sale," (circular) "Bulgarian Bacillus—Pure Living Cultures of the Bulgarian Lactic Acid Bacillus in Liquid Form * * * Mulford Bulgarian Bacillus products embody the two essential requirements. (1) They contain true *Bacillus Bulgaricus*. (2) They are alive and active. * * * If kept under proper conditions (refrigerator temperature), these liquid cultures will remain active and satisfactory for use at least four months," and similar statements in Spanish were false, deceptive, and misleading.

On May 11, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16543. Misbranding of Eleven 11 Bros. tonic. U. S. v. 10 Dozen Bottles of Eleven 11 Bros. Tonic. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23562. I. S. No. 07589. S. No. 1820.)

On or about April 8, 1929, the United States attorney for the Western District of Louisiana, 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 10 dozen bottles of Eleven 11 Bros. tonic, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by Eleven Bros. Laboratories (Inc.), Marshall, Tex., on or about March 1, 1929, and transported from the State of Texas into the State of Louisiana, 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 magnesium sulphate, iron chloride, alcohol, and water flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the label bore the following statements, "Recommended for Bad Blood, Kidney, Liver, Indigestion, Malaria, * * * Rheumatism, Nerve Disorders, * * * High Blood Pressure," which statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no