

On May 22, 1931, 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.*

18545. Misbranding of Dr. Lee's Prescription No. 3566. U. S. v. 5 Dozen Bottles of Dr. Lee's Prescription No. 3566. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26261. I. S. No. 29710. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's Prescription No. 3566, from the shipments herein described having shown that the article contained less alcohol than declared on the label and that the bottle and carton labels bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 dozen bottles of Dr. Lee's Prescription No. 3566, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., in part on or about October 10, 1930, and in part on or about February 27, 1931, and had been 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 this department showed that it consisted essentially of extracts of plant drugs such as uva ursi, alcohol (by volume 18.3 per cent), and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "Alcohol 24%," was false and misleading when applied to an article containing a less amount. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton and bottle labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A treatment for Disorders of the Kidneys, Bladder & Backache Trouble * * * Suggested as an aid in the treatment of Preliminary disorders leading to Acute and Chronic Diseases of the Kidneys, Liver and Bladder, Uric Acid, Gravel, or Stone in the Bladder, Retention of Urine, Pains in Urinating, Thick, Sluggish or Scanty Urine, Irritation, Inflammation or Catarrh of the Bladder, Pain in Urethra, Diabetes and Gout;" (bottle) "A treatment for Disorders of the Kidneys, Bladder & Backache Trouble * * * Suggested as an aid in the treatment of Preliminary disorders leading to Acute and Chronic Diseases of the Kidneys, Gravel or Stone in the Bladder, Catarrh of the Bladder, Bladder and Urinary Disorders."

On May 22, 1931, 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.*

18546. Misbranding of Dr. Lee's rheumatic elixir. U. S. v. 3 Dozen Bottles of Dr. Lee's Rheumatic Elixir. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26262. I. S. No. 29711. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's rheumatic elixir, from the shipment herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Dr. Lee's rheumatic elixir, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., on or about February 16, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.