

Misbranding was alleged for the reason that the statement on the cartom and bottle labels, "Vegetable Nervine", was false and misleading, in view of the composition of the article. Misbranding was alleged for the further reason that certain statements in the labeling falsely and fraudulently represented that the article was effective in the treatment of nervous disturbances, sleeplessness, restlessness, hysteria; effective to relax the nerves, calm the body, and induce natural sleep; effective in the treatment of dipsomania, drunkenness, delirium tremens, epilepsy, fits, nervous dyspepsia, nervous irritation, neuralgia, dizziness, weakness of the heart, eyes, stomach, etc., and sciatica.

On January 5, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22319. Misbranding of Quatented or Black Powder. U. S. v. 21 Packages of Quatented or Black Powder. Default decree of condemnation and destruction. (F. & D. no. 31186. Sample no. 47034-A.)

Examination of the product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 4, 1933, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Quatented or Black Powder at Nashua, N.H., alleging that the article had been shipped in interstate commerce, on or about August 24, 1933, by the J. H. Woodward Co., from Providence, R.I., 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 a mixture of charcoal, red pepper, and sulphur.

It was alleged in the libel that the article was misbranded in that it was falsely and fraudulently labeled as to its curative or therapeutic effects in the treatment of chills, la grippe, sick headache, sore throat, tonsillitis, dyspepsia, indigestion, rheumatism, cholera morbus, pains in the stomach and cough, in regulating and purifying the gastric juice, starting action in the debilitated stomach and intestines, promoting a healthy assimilation of food, allaying pain; effective in the treatment of diseases of the horse including colic, wind colic, spinal meningitis, stoppage of water, black water, chills, fever, heaves, pneumonia, distemper, acclimated cough, pink eye, and sore throat, diseases of the cow, including bloat, milk fever, inflammation of the bowels, garget and scours, sheep out of condition, scouring or running at the nose, sick hogs or pigs, hens with roup, to make hens lay in cold weather, and all acute ailments of animals.

Misbranding of the article was alleged for the further reason that the statement, "Guaranteed by J. H. Woodward Co., under the Food and Drugs Act June 30, 1906, as amended", was misleading, since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law, whereas it had not been so approved and the Government did not guarantee that it complied with the law.

On June 5, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22320. Adulteration and misbranding of milk of magnesia. U. S. v. 134 Dozen Bottles of Milk of Magnesia. Default decree of condemnation and destruction. (F. & D. no. 30469-A. Sample nos. 31872-A, 31882-A, 31883-A.)

This case involved an interstate shipment of milk of magnesia, a product recognized in the United States Pharmacopoeia. Samples taken from the lot were found to contain a smaller proportion of magnesium hydroxide than provided by the said pharmacopoeia, and were not labeled to show their own standard. The labels bore unwarranted curative and therapeutic claims.

On May 17, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 dozen bottles of milk of magnesia at West Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about March 14, March 23, and April 19, 1933, by the Park