

6897. Misbranding of McDowell ginseng bitters. U. S. * * * v. Douglas E. McDowell (McDowell Ginseng Garden). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 9359. I. S. No. 8933-p.)

On January 15, 1919, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Douglas E. McDowell, trading as McDowell Ginseng Garden, Joplin, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 17, 1917, from the State of Missouri into the State of Kansas, of a quantity of an article labeled in part, "McDowell Ginseng Bitters."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a slightly acid solution of plant extract containing small quantities of glycerin and zinc salt.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it to be effective as a remedy, treatment, and cure for all stomach troubles, except cancer; and effective as a remedy, treatment, and cure for dyspepsia, gastritis, indigestion, and all other diseases of the stomach, all intestinal disorders, constipation, diarrhea, cholera infantum, and acute dysentery, congestion of the liver, and all similar diseases; all female disorders and as a general sexual tonic for men and women, when, in truth and in fact, it was not.

On June 9, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6898. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 999 Cases of Canned Tomatoes. Product ordered released on bond. (F. & D. No. 9368. I. S. No. 6660-r. S. No. C-979.)

On September 28, 1918, 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 for the seizure and condemnation of 999 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about September 6, 1918, by the Sunbright Canning Co., Dickson, Tenn., and transported from the State of Tennessee into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Red Rose Brand Tomatoes."

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement on the label, to wit, "Tomatoes," was false and misleading in that it purported to be a product known as tomatoes, when, in truth and in fact, it contained tomatoes mixed with water, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, tomatoes.

On December 9, 1918, the said Sunbright Canning Co., claimant, having filed a claim, it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution

of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled with the statement, to wit, "Contains 20% Added Water."

C. F. MARVIN, *Acting Secretary of Agriculture.*

6899. Adulteration of eggs. U. S. * * * v. 15 Cases of Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold, unfit portion ordered destroyed. (F. & D. No. 9371. I. S. No. 5665-r. S. No. C-976.)

On September 10, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of eggs, remaining unsold in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about August 30, 1918, by C. J. Dregne, Ladysmith, Wis., and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On October 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the good portion should be sold, and that the unfit portion should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6900. Misbranding of Anticalculina Ebrey. U. S. * * * v. Ebrey Chemical Works, a corporation. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 9372. I. S. No. 6449-p.)

On March 20, 1919, 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 an information against the Ebrey Chemical Works, a corporation doing business at Humacao, Porto Rico, alleging the sale and offer for sale by said company, in violation of the Food and Drugs Act, as amended, on or about July 27, 1917, in Porto Rico, of a quantity of an article, labeled in part "Anticalculina Ebrey," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of colchicine, ammonium salts, and vegetable extractives, alcohol (28.8 per cent by volume), and water.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a remedy, treatment, and cure in the dissolving of calculi, renal and biliary; to purify the blood and drive the poisons which cause the disease out of the system; as a remedy, treatment, and cure for diseases of the liver, kidneys, and bladder; for all the diseases recognized as caused by accumulations of uric acid in the blood; to dissolve uric acid and eliminate it from the blood, maintaining the liver, kidneys, and bladder healthy, active, and in their natural states; a remedy, treatment, and cure for Bright's disease, diabetes, rheumatism, kidney disease, biliousness, jaundice, and dropsy; as a special specific for diseases of the kidneys; as a remedy, treatment, and cure for sediment in the urine, necessity of arising at night to urinate, pains in the back, brown sacs under the eyes, yellowing of the whites of the eyes, rheumatic pains, itching extremities, frequent desire to urinate, scant urine and high color and abundant urine of