

The article was labeled in part, "Blackberry \* \* \* Del Monte Brand Extra Quality \* \* \* Preserves \* \* \* Net Weight 15 ounces \* \* \*."

Misbranding of the article was alleged in the libel for the reason that the package or label of said article bore the statement "Net Weight 15 Ounces," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity marked was not correct.

On July 20, 1920, said California Packing Co., having filed its answer admitting the allegations of misbranding contained in the libel, it was ordered by the court that the United States marshal should deliver the product to said claimant company upon payment of all the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be properly labeled under supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

**8419. Misbranding of Dr. Burkhart's Vegetable Compound. U. S. \* \* \* v. 9 Dozen Packages of Dr. Burkhart's Vegetable Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13064, 13065. I. S. Nos. 7801-t, 7802-t. S. Nos. E-2453, E-2454.)**

On July 22, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain quantities of an article, labeled in part "Dr. Burkhart's Vegetable Compound," at Philadelphia, Pa., consigned by Dr. W. S. Burkhart, Cincinnati, Ohio, alleging that the article had been shipped on or about April 28, 1920, and May 10, 1920, from Cincinnati, Ohio, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product was composed essentially of aloes and other plant material containing resins, probably podophyllum and a small amount of capsicum.

Misbranding of the article was alleged in the libels in that certain statements appearing on the label on the package containing the article, regarding its curative or therapeutic effects, falsely and fraudulently represented the article to be effective as a remedy for kidney and liver disease, fever and ague, rheumatism, sick and nervous headache, erysipelas, scrofula, female complaints, catarrh, indigestion, neuralgia, nervous affection, dyspepsia, and all syphilitic diseases, whereas, in truth and in fact, it was not effective.

On August 12, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**8420. Misbranding of G. S. Remedy. U. S. \* \* \* v. Louis M. Gross. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 9905. I. S. No. 12206-p.)**

On June 20, 1919, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis M. Gross, Little Rock, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 29, 1918,