

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance.

On February 16, 1921, 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.

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

9080. Misbranding of Santal Midy Capsules. U. S. * * * v. 266 Bottles of * * * Santal Midy Capsules. Consent decree adjudging product misbranded and ordering its release on bond. (F. & D. No. 10453. I. S. No. 2907-r. S. No. W-286.)

On June 4, 1919, the United States attorney for the Northern District of California, 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 266 bottles of Santal Midy Capsules, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped on or about September 24, 1918, by E. Fougere & Co., New York, N. Y., and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the contents of the capsules consisted of sandalwood oil.

It was alleged in substance in the libel that the article was misbranded for the reason that the circular accompanying it contained the following statements, "Santal-Midy * * * Essential oil of Sandalwood, * * * in the treatment of gonorrhea, gleet and discharges from the urinary organs. * * * ' * * * it affords relief * * * contributed to a great number of cures.' ' * * * In gonorrhea in the acute stage, * * * urine may be passed without pain, * * * the discharge reduced * * * Inflammation of the Bladder.—When the bladder walls are inflamed, and even when there is hemorrhage, * * * its peculiar soothing action on mucous surfaces. In nearly every case of hematuria, the frequency of micturition and the pain arising therefrom cease * * * Suppurative Nephritis. * * * improve the symptoms * * * Catarrh of the Bladder. * * * Vesical Catarrh of Old Age. * * * stricture of the urethra and congestion of the prostate, * * * the urine soon becomes clear and limpid. In Acute Cystitis, when the urine is colored with blood, and inflammation of the neck of the bladder, it gives relief * * * assists elimination of uric acid indicated by the red deposit in the urine resembling gravel,' * * * when the urethral catarrh is accompanied by cystitis * * *," whereas the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed, and the statements in the circular aforesaid were false and fraudulent. Misbranding was alleged for the further reason that a certain circular accompanied the article, a copy of which was attached to the libel by the United States attorney, marked "Exhibit A," and made a part of the libel, which said circular contained statements, regarding the curative and therapeutic effects of said article and the ingredients and substances contained therein, [which were false and fraudulent] for the reason that said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it therein.

On October 11, 1919, the said E. Fougere & Co., New York, N. Y., claimant, having consented to a decree, judgment was entered in which it was found that the product was misbranded, and it was ordered by the court that the product

be redelivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

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

9081. Misbranding of "G Zit" Complete-Stearns' and G Zit Antiseptics. U. S. * * * v. S Packages of * * * "G Zit" Complete-Stearns' and 24 Packages of * * * G Zit Antiseptics. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10866. I. S. No. 2932-r. S. No. W-441.)

On July 16, 1919, the United States attorney for the Northern District of California, 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 8 packages of the \$3-size of "G Zit" Complete-Stearns' and 24 packages of G Zit Antiseptics, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on April 30, 1918, and July 5, 1918, respectively, by the Stearns Hollinshead Co., Inc., Portland, Oreg., and transported from the State of Oregon into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the G Zit Complete consisted of two preparations, antiseptics for internal use and bougies for local application. The antiseptics consisted of gelatin capsules containing balsam of copaiba, oleoresin of cubebs, and a small amount of sulphur in oil. The bougies consisted essentially of silver nucleinate in a cacao butter base.

It was alleged in substance in the libel that the articles were misbranded for the reason that they were labeled in part on the cartons, in circulars, and in booklets, as follows, (carton containing Zit Antiseptics) "Zit Antiseptics (urinary)—Stearns' * * * Remember: This Antiseptic acts on all germ life that may be lodged in the bladder, * * *," (carton containing G Zit Bougies) "G Zit Bougies—Stearns' * * * Less chance for complicated, lasting disease if this Treatment is used," (circular) "Instructions For Gonorrheal Patients To Cure Yourself, To Prevent Sexual Diseases Spreading from the Afflicted * * *," (booklet) "This medicine does destroy the germ of gonorrhea * * * For Gonorrhea, use Zit Complete, Stearns'," whereas said articles contained no ingredients capable of producing the curative and therapeutic effects claimed for them, and the statements on the carton and in the circulars and in the booklets were false and fraudulent. Misbranding was alleged in substance for the further reason that the said articles were accompanied by a circular and booklet, copies of which were attached to the libel and marked "Exhibit A" and "Exhibit B," and made a part of the libel by the United States attorney, which said circular and booklet contained statements, regarding the curative and therapeutic effects of said articles and the ingredients and substances contained therein, which were false and fraudulent for the reason that the articles contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed for said articles therein.

On July 30, 1919, 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.

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