

or Cancerous Tumors and Inflammation of the Bladder, Stricture and Varicocele * * * for Nervous Diseases * * * M. I. S. T. No. 2 * * * an aid in the treatment of Nervous Diseases. * * *

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the contents of the capsules consisted essentially of aloes, calomel, a laxative plant drug, and a small amount of methyl salicylate.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements set forth in the labels, wrappers, and circulars were false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On December 7, 1920, no claimant having appeared for the property, judgments were entered finding the allegations contained in the libels to be true, and it was ordered by the court that the product be destroyed by the United States marshal.

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

9158. Misbranding of Acme Brand pennyroyal pills. U. S. * * * v. 3 Dozen Packages of * * * Acme Brand Pennyroyal Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13728. I. S. No. 7594-t. S. No. E-2746.)

On or about September 29, 1920, the United States attorney for the District of Delaware, 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 3 dozen packages of Acme Brand pennyroyal pills, remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the S. Pfeiffer Mfg. Co., St. Louis, Mo., on or about July 18, 1920, and transported from the State of Missouri into the State of Delaware, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and wrapper) " * * * effectual and safe * * * ;" (circular) "Four or five days before the expected appearance of the menstrual flow, * * * We cannot speak too strongly upon the absolute necessity of keeping the bowels open in cases of suppressed menstruation. To prevent Irregularities * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of oils of pennyroyal and tansy and aloes.

Misbranding of the article was alleged in substance in the libel for the reason that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it in the statements above quoted.

On February 5, 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.*

9159. Adulteration and misbranding of Baby Brand tomatoes. U. S. * * * v. 471 Cases * * * of Baby Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13777. I. S. No. 7554-t. S. No. E-2727.)

On October 9, 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 a libel for the seizure and condemnation of 471 cases of Baby Brand tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Thomas Roberts

& Co., Hurlock, Md., alleging that the article had been shipped from Hurlock, Md., on or about June 9, 1920, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged in substance for the reason that the packages in which the product was inclosed contained labels which bore the following statements, designs, and devices, regarding the article and the ingredients and substances contained therein, to wit, "Baby Brand Tomatoes" (design of red tomato), which were false and misleading in that they indicated that said packages contained tomatoes, when in fact they did not.

On February 21, 1921, Roland Webster, Hurlock, Md., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act.

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

9160. Adulteration and misbranding of sauerkraut. U. S. * * * v. 100 Cases * * * of Sauerkraut. Decree of adulteration. Product released under bond. (F. & D. No. 8759. I. S. No. 11827-p. S. No. C-811.)

On February 2, 1918, the United States attorney for the Northern District of Illinois, 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 100 cases, more or less, each containing 2 dozen retail packages of sauerkraut, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Schall Packing Co., Baltimore, Md., on November 14, 1917, and transported from the State of Maryland into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (case) "Old Scott Brand * * * Sauer Kraut Packed by Baltimore Canning Co., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of brine had been packed and mixed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statement, to wit, "Sauer Kraut," borne upon the labels of the cases, deceived and misled the purchaser into the belief that the article consisted of sauerkraut containing a normal quantity of brine, whereas the article contained an excessive quantity of brine.

On November 14, 1918, John A. Tolman & Co., Chicago, Ill., having entered an appearance as claimant for the property and having denied the material allegations contained in the libel, judgment of the court was entered finding all the material allegations of the libel to be true and declaring the product to be adulterated, and it was ordered by the court that the product be released to said claimant upon payment of 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 cases and cans have placed upon them a sticker label bearing the statement, "21 ozs. Sauerkraut; 13 ozs. added brine."

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