

Court of the United States for said district a libel for the seizure and condemnation of 7 dozen large and 26 dozen small bottles of Milks Emulsion, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by the Milks Emulsion Co., Terre Haute, Ind., on or about August 13 and 28, 1919, respectively, and transported from the State of Indiana into the State of Georgia, 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 emulsion consisted largely of petrolatum with small amounts of glycerin, sirup, and essential oils. The quantity of the contents of the bottles was less than the amounts stated upon the labels, the average shortage amounting to 26.8 per cent and 24 per cent for the small and 34.25 per cent and 31.4 per cent for the large bottles.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of said article, (bottle label, both sizes) "Milks Emulsion * * * A Valuable Remedy For Dyspepsia, Indigestion, Catarrh Of Stomach And Bowels, * * * Bronchial Asthma, Catarrhal Croup, Bronchitis * * * Especially Beneficial In Incipient Consumption * * *," were false and fraudulent in that the article contained no ingredient capable of producing the effects claimed. Misbranding was alleged for the further reason that the statements upon the cartons containing the bottles, "Net Weight 12 Ounces" and "Net Weight 29 Ounces," respectively, were false and misleading in that the contents of the said bottles weighed much less than 12 ounces and 29 ounces, respectively, and for the further reason that the booklet accompanying each bottle of the said article contained the statement, "Milks Emulsion contains a great amount of fat," which was false and misleading for the reason that the article contained no fat.

On August 14, 1920, the Milks Emulsion Co., Terre Haute, Ind., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the bottles and containers of said bottles be relabeled under the supervision of this department.

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

9343. Adulteration and misbranding of Wood's Special Concentrated Sweetener. U. S. * * * v. One Can * * * of Wood's Special Concentrated Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13124. I. S. No. 9321-r. S. No. E-2460.)

On July 29, 1920, the United States attorney for the District of Rhode Island, 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 one can of Wood's Special Concentrated Sweetener, consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., remaining unsold in the original unbroken package at Providence, R. I., alleging that the article had been shipped from St. Louis, Mo., on or about June 3, 1920, and transported from the State of Missouri into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Wood's Special Concentrated Sweetener 500-500 Soluble in Cold Water. Not sold as a drug. W. B. Wood Mfg. Co., St. Louis, Mo."

Adulteration of the article was alleged in the libel for the reason that saccharin had been mixed and packed with, and substituted wholly or in part for, the article, and for the further reason that said article contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged for the reason that the statement, "Special Concentrated Sweetener 500," was false and misleading and deceived and misled the purchaser

by representing that the article was 500 times sweeter than sugar, when it was not, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, food sweetener.

On March 31, 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.*

9344. Misbranding of King's Star Crown Brand Pills. U. S. * * * v. 57 Packages of King's Star Crown Brand Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13710. I. S. No. 5382-t. S. No. E-2764.)

On September 22, 1920, the United States attorney for the District of Rhode Island, 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 57 packages of King's Star Crown Brand Pills, consigned by the Northern Drug Co., Duluth, Minn., remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped from Duluth, Minn., on or about March 13, 1920, and transported from the State of Minnesota into the State of Rhode Island, 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 pills consisted essentially of oil of pennyroyal and aloes.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the circular accompanying the article, regarding the curative and therapeutic effects thereof, "* * * Delayed Menstruations * * * immediately preceding the expected appearance of the menstrual flow, take two pills at night * * * Painful Menstruations * * * take one * * * for six nights prior to the reappearance of the flow. Irregularities. Where the menses are not regular * * * Dr. King's Star Crown Brand Pills are invaluable. Take one * * * three times daily for four or five days preceding the expected appearance of the menstrual period," were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 31, 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.*

9345. Adulteration and misbranding of salad oil. U. S. * * * v. 4 Gallon Cans and 46 Quart Cans of Alleged Salad Oil * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13978. I. S. Nos. 5227-t, 5228-t. S. No. E-2890.)

On November 30, 1920, the United States attorney for the District of Rhode Island, 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 4 gallon cans and 46 quart cans of salad oil, consigned by Ventoura & Begani, New York, N. Y., remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped from the City of New York on or about October 13 and September 23, 1920, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Olio La Viva Italia Brand Superior In Quality, Purity, Economy & Flavor To Olive Oil * * * Net Contents 1 Gallon" (or "1 Quart") "Ventoura & Begani New York U. S. A. * * *."

Adulteration of the article was alleged in the libel for the reason that soya bean oil with a slight trace of cottonseed oil had been mixed and packed with, and substituted wholly or in part for, the article.