

sent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that it was composed of or contained ingredients or medicinal agents capable of producing the therapeutic effect claimed, when, in truth and in fact, it contained no ingredients capable of producing the effects claimed.

On December 2, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9741. Adulteration of mineral water. U. S. * * * v. 216 Cases of Mineral Water. Consent decree of condemnation and forfeiture. Product ordered destroyed and bottles returned to claimant. (F. & D. No. 11107. I. S. No. 6788-r. S. No. C-1429.)

On August 26, 1919, the United States attorney for the Western District of Louisiana, 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 216 cases of mineral water, remaining unsold in the original unbroken packages at Alexandria, La., alleging that the article had been shipped by the Texas Carlsbad Wells, Mineral Wells, Tex., June 4, 1919, and transported from the State of Texas into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Mineral Wells Texas Carlsbad Water."

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

At the April, 1921, term of the said District Court, the Carlsbad Water Co., Mineral Wells, Tex., claimant, having admitted that the water was unfit for human consumption and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that, upon payment of the costs of the proceedings or the execution of a bond therefor, the marshal empty the water from the bottles containing the same and deliver the bottles to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9742. Adulteration and misbranding of loganberry soda water. U. S. * * * v. The Standard Bottling Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 11206. I. S. No. 6857-r.)

At the May, 1920, term of the United States District Court within and for the District of Colorado, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Standard Bottling Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 11, 1918, from the State of Colorado into the State of Nebraska, of a quantity of loganberry soda water which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an artificially-colored, sweetened, carbonated beverage containing a small quantity of a benzoate or benzoic acid, and little, if any, fruit constituents.

Adulteration of the article was alleged in the information for the reason that it had been colored in a manner whereby inferiority was concealed, and for the further reason that a solution of sugar, water, and artificial coloring and flavoring matter and benzoate of soda had been mixed and packed therewith so

as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for loganberry soda water, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the name of, another article, to wit, loganberry soda water. Misbranding was alleged for the further reason that the article was labeled "Loganberry" and bore a design of ripe loganberries, so as to deceive and mislead purchasers into the belief that it was made of loganberries and was a loganberry soda water, and for the further reason that the statement on the label, "Loganberry," together with the design of ripe loganberries, was false and misleading in that it represented to purchasers thereof that the article was a loganberry soda water and was made with loganberries, whereas, in fact and in truth, it was not a loganberry soda water and was made with artificial flavoring and coloring matter.

On July 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9743. Misbranding of Hall's Texas Wonder. U. S. * * * v. 96 Bottles, 120 Bottles, and 138 Bottles of * * * Texas Wonder. Default decrees finding product to be misbranded and ordering its destruction. (F. & D. Nos. 11408, 11409, 11886. I. S. Nos. 8455-r, 8458-r, 8472-r. S. Nos. C-1501, C-1502, C-1687.)

On September 29, 1919, and January 14, 1920, the United States attorney for the Western District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 96 bottles, 120 bottles, and 138 bottles of Hall's Texas Wonder, at Fort Smith, Ark., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., July 17, August 7, and December 26, 1919, respectively, and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article involved in the consignments of July 17 and August 7, 1919, was labeled in part: (Carton) "The Texas Wonder, for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children"; (circular, testimonial of Louis A. Portner) "* * * began using The Texas Wonder for stone in the kidneys, inflammation of the bladder and tuberculosis of the kidneys * * * His urine contained 40% pus. * * * was still using the medicine with wonderful results, and his weight had increased * * *" The shipment of December 26 was labeled in part: (Carton) "* * * A Remedy For Kidney and Bladder Troubles. Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children"; (circular headed "Read Carefully") "* * * The Texas Wonder, Hall's Great Discovery * * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the therapeutic and curative effects thereof, appearing in the labeling, were false and fraudulent in that they were applied to the said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the article involved in the shipments of July 17 and August