

**9879. Misbranding of Allan's compound extract of damiana. U. S. \* \* \* v. 18 Bottles of Allan's Compound Extract Damiana. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14585. Inv. No. 24146. S. No. C-2836.)**

On March 29, 1921, the United States attorney for the Southern District of Mississippi, 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 18 bottles of Allan's compound extract of damiana, remaining in the original unbroken packages at Brookhaven, Miss., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about January 1, 1920, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) " \* \* \* Tonic For Both Sex \* \* \* "; (carton) " \* \* \* Nerve And Brain Remedy. \* \* \* For Hysteria, Dizziness, Convulsions, Nervous Prostration, \* \* \* General Weakness \* \* \* In Nervous Debility."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an aqueous solution of strychnine, bitter plant principle, sugar, alcohol, and color.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof, appearing in the labels of the bottles and cartons containing the said article, were false and fraudulent in that the said article had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effect. Misbranding was alleged for the further reason that the article failed to bear on the label of the carton and bottle a statement of the quantity or proportion of alcohol it contained.

On May 3, 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.

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

**9880. Misbranding of Gold Medal compound pills. U. S. \* \* \* v. 6 Packages \* \* \* of Gold Medal Compound Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13681. Inv. No. 23147. S. No. C-2502.)**

On or about September 16, 1920, the United States attorney for the Eastern 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 6 packages of Gold Medal compound pills, remaining unsold in the original unbroken packages at Marion, Ill., consigned by W. J. Dean, Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about August 21, 1920, and transported from the State of Missouri into the State of Illinois, 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 it contained iron, sulphates, aloes, and pennyroyal, in the form of a pill.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the therapeutic and curative effect of the said article, appearing in the circulars contained in the said packages, to wit, " \* \* \* Gold Medal Compound Pills Begin by taking one Pill before each meal \* \* \* Four or five days before the expected appearance of the menstrual flow, drink freely \* \* \* of hot ginger tea \* \* \* in cases

of suppressed menstruation," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic and curative effects claimed.

On February 21, 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.

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

**9881. Adulteration and misbranding of salad mustard. U. S. \* \* \* v. 8 Barrels of Salad Mustard. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14022. I. S. No. 1567-t. S. No. C-2604.)**

On December 13, 1920, the United States attorney for the Southern District of Ohio, 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 barrels of salad mustard, remaining unsold at Cincinnati, Ohio, consigned by the Bayle Food Products Co., St. Louis, Mo., October 9, 1920, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, 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 mustard hulls had been mixed and packed with, and substituted wholly or in part for, the said article and for the further reason that it was colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements appearing on the barrel containing the article, to wit, "Salad Mustard, Mustard Seed, Vinegar, Salt, Spices and Turmeric," were false and misleading and deceived and misled the purchaser and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 2, 1921, the Bayle Food Products Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the said product be relabeled in a manner satisfactory to this department.

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

**9882. Misbranding of Haskin's Nervine. U. S. \* \* \* v. 2 Dozen Bottles, et al., of Haskin's Nervine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14479, 14500. Inv. Nos. 29315, 29317. S. Nos. E-3137, E-3154.)**

On February 25 and 29, 1921, respectively, the United States attorney for the Middle 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 4 dozen bottles of Haskin's Nervine, remaining in the original unbroken packages at Wilkes-Barre and Harrisburg, Pa., respectively, alleging that the article had been shipped in part by the Haskin Medicine Co., Binghamton, N. Y., and in part by the Williams Mfg. Co., Cleveland, Ohio, on or about October 26, 1920, and January 20, 1921, respectively, and transported from the States of New York and Ohio, respectively, into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.