

**9894. Misbranding of Apollo Brand sexual pills. U. S. \* \* \* v. 11 Dozen Boxes of \* \* \* Apollo Brand Sexual Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14859. I. S. No. 10758-t. S. No. W-923.)**

On May 19, 1921, the United States attorney for the District of Colorado, 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 11 dozen boxes of Apollo Brand sexual pills, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the S. Pfeiffer Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about November 12, 1920, and transported from the State of Missouri into the State of Colorado, 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 extracts of nux vomica and damiana and phosphorus, in the form of a pill.

Misbranding of the article was alleged in substance in the libel for the reason that the bottle containing the said article and the accompanying wrapper bore a statement regarding the curative and therapeutic effects of the said article, to wit, "Sexual Pills," which was false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On August 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.

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

**9895. Adulteration and misbranding of flour. U. S. \* \* \* v. Two Hundred and Ninety-four 140-Pound Jutes \* \* \* of Kramer's Kream Standard Patent Hard Winter Wheat Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14864. I. S. No. 7881-t. S. No. E-3355.)**

On May 12, 1921, 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 two hundred and ninety-four 140-pound jutes, more or less, of Kramer's Kream standard patent hard winter wheat flour, remaining in the original unbroken packages at Norristown, Pa., consigned by the Topeka Flour Mill, Topeka, Kans., alleging that the article had been shipped from Topeka, Kans., on or about April 11, 1921, and transported from the State of Kansas into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with, and substituted wholly or in part for, flour, which the article purported to be.

Misbranding was alleged in substance for the reason that the statement on the tag attached to the sacks containing the said article, to wit, "Flour," was false and misleading and deceived and misled the purchaser; for the further reason that the said article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 21, 1921, Lewis G. Stritzinger, Norristown, Pa., claimant, having filed an answer admitting the averments of the libel, 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 \$4,800, in conformity with section 10 of the act.

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

**9896. Adulteration of walnut meats. U. S. \* \* \* v. 16 Cases of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14976. I. S. No. 10816-t. S. No. W-959.)**

On June 7, 1921, the United States attorney for the District of Colorado, 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 16 cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Kohn Boldemann Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about May 7, 1921, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

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

On September 9, 1921, the W. C. Nevin Candy Co., Denver, Colo., 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 bond in the sum of \$300, in conformity with section 10 of the act. The claimant was unable to sort the nuts satisfactorily, and they were destroyed.

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

**9897. Misbranding of Lung Germine. U. S. \* \* \* v. 11 Bottles, 10 Bottles, and 3 Bottles of Lung Germine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15213, 15214, 15215. Inv. Nos. 31530, 31531, 31532. S. No. E-3464.)**

On July 20, 1921, 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 libels for the seizure and condemnation of 11 bottles, 10 bottles, and 3 bottles of Lung Germine, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Lung Germine Co., Jackson, Mich., alleging that the article had been shipped on or about October 18, 1920, and November 29 and January 14, 1921, respectively, and transported from the State of Michigan into the State of Pennsylvania, 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 sulphuric acid, iron sulphate, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative or therapeutic effects of the said article, contained in the labeling of the bottle and carton and in the accompanying booklet, to wit, (bottle) " \* \* \* Treatment For Relief of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) \* \* \* Use no other lung medicine while using Lung Germine. Read carefully the circular