

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

accompanying this bottle * * *," (carton) " * * * Use no other lung medicine when using Lung Germine. Read carefully the circular accompanying this bottle. * * * Your Lungs. Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germine in your home ready for immediate use at the first sign of Membranous Lung Disease or Bronchial Irritation. * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages) * * *," (booklet, "Your Lungs," in English) " * * * What You Want To Know About Lung Germine. As a sufferer from mucous membrane affections of the lungs and bronchial irritation, readily susceptible to the primary or pre-tubercular stage of pulmonary consumption, you are deeply interested in learning all that you can about any medicine or treatment for relieving these distressing afflictions. In the following paragraphs will be found a brief description of what Lung Germine is, what it has done for others, how it is used, and what you may reasonably hope it may do for you. In recommending Lung Germine to the world of sufferers from incipient mucous membrane affection of the lungs, and bronchial irritation, we do so with the fullest confidence. * * * the remarkable results it has accomplished * * * excessive coughs for months * * * splendid results * * * weak membranes of lungs and * * * nearly always suffering from a severe cough and weakness. * * * Lung Germine relieved the trouble. * * * before taking Lung Germine their lungs had been * * * affected, and that after using Lung Germine * * * their lungs were * * * found to be relieved. * * * recommend for lung and bronchial troubles, * * * We recommend Lung Germine for alleviating the cough, increasing the strength and general health in such conditions of cellular hyperblasia, affecting the mucous membranes of the air passages with the consequent risk of a multiplication of cells, filling up a greater or less number of the air vesicles of the lungs; generally those of the apex, and then, consumption, or malignant attacks of the lungs and bronchial tract results. * * * It is, therefore, of vital importance that sufferers take the treatment Lung Germine, which has a decided influence upon the general condition of the system, alleviating the cough and night sweats, aiding expectoration, increasing the strength and general health of the sufferer, and often retarding, if not arresting, the pulmonary disorganization. Lung Germine contains * * * only such ingredients as are of recognized therapeutic value for the treatment of the conditions as outlined. One of the ingredients * * * is recognized * * * as a nutrient of inestimable influence during phthisis, * * * " * * * it does more good than all other remedies of the Pharmacopœia (Standard authority for medicines) combined.' * * * Lung Germine has been proven beyond question to possess a remarkable beneficial influence; it has produced splendid results * * * relieving defective nutrition, with its consequent pallor, anemia, night sweats, excessive coughing and expectoration of germ-laden mucous from the affected parts. * * * the coughing will become less and less and a general improvement may be confidently expected. * * * the long record of extraordinary instances of relief which Lung Germine has produced should encourage every sufferer from incipient membranous lung disease * * * no such sufferer should feel in the least discouraged about his or her condition, if Lung Germine has yet to be tried. * * * If you are suffering

from lung * * * trouble which has not passed the incipient stage, * * * you are using the best medicine known for such afflictions when you use Lung Germine. * * * consumption * * * What To Do For Hemorrhage * * * bleeding from the lung, * * * What To Do For Persistent Night Sweats. Night sweats are a commonly recognized symptom of tuberculosis * * * Consumption * * * tuberculosis * * * tubercle bacilli * * * germs of tuberculosis * * *,” (other languages) “* * * Lung Germine for chronic lung * * * affections * * * Lung Germine for chronic lung or bronchial diseases * * *,” were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect from the said statements, which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof. Misbranding was alleged in substance for the further reason that the bottle and carton labels contained the statement, “Alcohol 10% by Volume,” regarding the said article and the ingredients and substances contained therein, which was false and misleading in that the said statement indicated to the purchaser that the package contained alcohol 10 per cent by volume, when in fact it did not.

On August 16, 1921, 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.*

9898. Misbranding of oil. U. S. * * * v. 13 Cans * * * of La Provence Brand Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15237. I. S. No. 8079-t. S. No. E-3471.)

On July 23, 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 13 cans of La Provence Brand vegetable oil, consigned by the Littauer Oil Co., Guttenberg, N. J., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Guttenberg, N. J., on or about June 10, 1921, and transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) “La Provence Brand Oil * * * Littauer Oil Co. Guttenberg, N. J. One Gallon.”

Misbranding of the article was alleged in substance in the libel for the reason that the statement on the label “One Gallon” was false and misleading and deceived and misled the purchaser and for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 22, 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.*

9899. Misbranding of Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiol tablets. U. S. * * * v. 9 Dozen Packages of Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal, and Apiol Tablets. Default decree ordering destruction of the product. (F. & D. No. 15292. Inv. No. 32979. S. No. E-3485.)

On or about August 2, 1921, the United States attorney for the Eastern District of Virginia, 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 9 dozen packages of Pierce's Empress Brand tansy, cotton