

condemnation of 118 bottles of Lung Germine. remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about January 2 and June 4, 1921, respectively, and transported from the State of Michigan into the State of Louisiana, 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 consisted essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

Misbranding of the article was alleged in substance in the libel for the reason that the package containing the said article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged in substance for the further reason that the following statements appearing in the labeling of the bottle and carton containing the article, regarding its curative and therapeutic effect, (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) “* * * 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 Membraneous 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) * * *.” were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 23, 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.*

10592. Misbranding of French cotton root pills. U. S. * * * v. William B. McDuffie (French Medicine Co.). Plea of guilty. Fine, \$25. (F. & D. No. 15566. I. S. Nos. 9276-t, 9277-t.)

On December 19, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William B. McDuffie, trading as the French Medicine Co., Atlanta, Ga., alleging shipment by said defendant, on or about March 29, 1921, in violation of the Food and Drugs Act, as amended, from the State of Georgia into the State of North Carolina, of quantities of French cotton root pills which were misbranded. The article was labeled in part, respectively: (Boxes) “French Cotton Root Pills (Double Strength) * * * Recommended for Delayed Menstruation and Irregularities. * * * French Medicine Co., Atlanta, Ga.”; and “French Cotton-Root Comp. Pills Recommended for Delayed Menses and Irregularities * * *.”

Analyses of samples of the article by the Bureau of Chemistry of this department showed that both the single and double strength pills contained iron sulphate, aloes, savin oil, and vegetable extractive matter.

Misbranding of the article was alleged in substance in the information for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article, appearing on the labels of the said boxes, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for delayed menstruation or delayed menses, as the case might be, and irregularities, whereas, in truth and in fact, it was not.

On June 28, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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