

10988. Misbranding of flour. U. S. v. 300 Sacks, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16689, 16743, 16744. I. S. Nos. 8066-v, 8070-v, 8071-v. S. Nos. W-1176, W-1189, W-1190.)

On July 31 and August 10, 1922, respectively, the United States attorney for the Northern District of California, 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 2,112 sacks of flour, a portion of which was consigned by the Montana Flour Mills Co., in part from Great Falls, Mont., and in part from Harlowton, Mont., and the remainder of which was consigned by the F. M. Martin Grain & Mills Co., Cheney, Wash., alleging that the article had been shipped in part on July 15, 1922, and in part on or about July 29, 1922, and transported from the States of Washington and Montana, respectively, into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Montana Flour Mills Co. Sapphire Made From Selected Hard Wheat Matured Bleached 98 Lbs. Net." The remainder of the article was labeled in part: "F. M. Martin Grain & Milling Co. Martin's Best Highest Patent Flour Made From Selected Wheat Manufactured at Cheney, Washington. Net Weight 98 Lbs. When Packed. * * * Bleached."

Misbranding of the article was alleged in substance in the libels for the reason that the statement appearing in the labels of the sacks containing the said article, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

An August 3, 11, and 15, 1922, respectively, A. S. Ferguson, San Francisco, Calif., the F. M. Martin Grain & Milling Co., Cheney, Wash., and W. F. Williams, San Francisco, Calif., having entered their appearances as claimants for the respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

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

10989. Adulteration and misbranding of flour. U. S. v. 100 Sacks, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16673, 16770. I. S. Nos. 8065-v, 8072-v, 8073-v. S. Nos. W-1168, W-1200, W-1201.)

On July 27 and August 24, 1922, respectively, the United States attorney for the Northern District of California, 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 400 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Astoria Flouring Mills Co., from Astoria, Oreg., in part July 19, and in part August 9, 1922, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding with respect to a portion of the said flour and misbranding with respect to the remainder, in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Airota * * * Made for Bakers Exclusively Pure Hard Wheat Flour Manufactured By Astoria Flouring Mills Co. Astoria, Oregon. Bleached Net Weight 98 Lbs. When Packed." The remainder of the said article was labeled in part: "Golden Wave Flour Manufactured by Astoria Flouring Mills Co., * * * 98 Lbs. When Packed."

Adulteration was alleged in the libels with respect to the Airota brand flour for the reason that water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance with respect to both brands of the article for the reason that the statement appearing on the labels of the sacks containing the said article, "98 Lbs.," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On August 15 and September 2, 1922, respectively, the Astoria Flouring Mills Co., claimant, having consented to the entry of decrees, judgments of con-

demnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the sum of \$1,325, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

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

10990. Misbranding of Woods V. tabules. U. S. v. 22 Boxes of Woods V. Tabules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14129. S. No. C-2658.)

On January 1, 1921, 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, and on January 8, 1922, an amended libel, praying the seizure and condemnation of 22 boxes of Woods V. tabules, at Shreveport, La., alleging that the article had been shipped by Edward J. Woods, New York, N. Y., on or about March 5, 1919, and transported from the State of New York 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 the tablets contained zinc phosphid, strychnine, and extract of plant drugs, including a laxative drug, coated with sugar and calcium carbonate and an outer covering of silver.

Misbranding of the article was alleged in substance in the libel as amended for the reason that the following statements appearing in the labeling of the said article, regarding its curative and therapeutic effects, (carton) "V * * * Invigorant Stimulant * * * Sustainer * * *" (box) "Extra Potency * * * V Tabules * * * Stimulant * * * Strengtheners * * * Add Joy To Your Life * * *" (yellow circular) "Wonderful Strengtheners * * * V Tabules The V stands for Vigor. 'Woods Vigor Tabules.' 'Worth Their Weight In Gold,'" (circular headed "See What a Few Boxes of Woods V Tabules May Do") "Woods V Tabules * * * are what a man of manly nature wants to make him mentally and physically vigorous. They are what an ambitious woman wants to aid in making her vivacious and attractive. *They make life worth living!* * * * Overcome lethargy, acquire physical and mental efficiency. *Enjoy life*—every minute of it. * * * Away with Melancholy! * * * The person who ignores the laws of Nature * * * might have been saved all the misery of bad health and melancholia if he had used Woods V Tabules and relied upon * * * them," (green circular) "An Extremely Efficacious Reconstructive Remedy * * * When there is inability to think clearly * * * use Woods V Tabules. For nervous debility * * * lack of enthusiasm * * * inability to look others in the eyes, feeling of being conspired against or followed and hounded by enemies, enervation of mind or body, inability to conduct oneself cleverly enough to gain and maintain the affection of one of the opposite sex * * * for these or any other mental or physical condition where real stimulation and energy are required—try Woods V Tabules. For * * * cheerfulness, new vitality, virility and all-round manly (or womanly) strength—try Woods V Tabules. * * * Vitality Is Needed * * * Wonderful results are attributed to Woods V Tabules. * * * An effective aphrodisiac and general stimulant * * * overcoming weakness, particularly when due to excesses of liquor and tobacco, failure of mental power, weakening due to personal indiscretions, melancholia, sexual exhaustion, nervous debility, neurasthenia and other disorders of similar class. * * * remedy for weakness, brain fog, exhaustion due to excesses, impotence, lacking of courage or vigor, and general debility. * * * A highly concentrated nerve stimulant and diuretic. * * * rarely need more than four Tabules be taken in one day for even the most obstinate cases. * * * the first one proves its remarkable invigorative and health-improving potency * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effect claimed. Misbranding was alleged for the further reason that the following statement appearing in the said green circular, "Woods V Tabules are guaranteed by Edward J. Woods, Inc., under the United States Pure Food & Drugs Act," was false and misleading.

On May 22, 1922, 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.*