

10991. Misbranding of Cadomene tablets. U. S. v. 30 Bottles, et al, of Cadomene Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14160, 14276, 14277. S. Nos. E-3043, E-3072, E-3073.)

On January 10 and 28, 1921, respectively, the United States attorney for the Northern District of New York, 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 79 bottles of Cadomene tablets, in part at Binghamton, N. Y., and in part at Utica, N. Y., alleging that the article had been shipped by the Blackburn Products Co., Dayton, Ohio, in various consignments, on or about April 12, June 5, and July 16, 1920, respectively, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Invigorating * * * for the Treatment of * * * Neurasthenia (Nerve Exhaustion), General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other Symptoms due to * * * Worry, Grief, Intemperance, Dissipation, Overwork, Mal-Nutrition, Convalescence from Influenza, Etc.," (circular) "the benefits to be derived from their use, are such as to recommend them to all who may be afflicted with * * * Neurasthenia, Nervous Exhaustion, General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other symptoms due to * * * Worry, Grief, Intemperance, Dissipation, Mal-Nutrition, Overwork, Etc. * * * valuable for those who are despondent, nervous, irritable and unable to act naturally under the most ordinary circumstances."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained zinc phosphid, strychnine, and an iron salt, coated with calcium carbonate and colored lavender.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, appearing in the label of the bottle containing the article and in the accompanying circular, regarding the curative and therapeutic effect of the said article, were false and fraudulent in that it contained no ingredients or combination of ingredients capable of producing the effect claimed.

On June 30, 1922, 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.*

10992. Adulteration and misbranding of vinegar. U. S. v. 73 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14667. I. S. No. 1568-t. S. No. C-2883.)

On March 21, 1921, 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 73 barrels of vinegar at Cincinnati, Ohio, consigned by the National Vinegar Co., Palatine Bridge, N. Y., October 11, 1920, alleging that the article had been transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "New York State Pure Cider Vinegar Reduced to New York State Standard 4 Percentum J. C. Vosburgh, Canajoharie New York."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and dried apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed and packed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement, "Pure Cider Vinegar," was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On December 29, 1921, John C. Vosburgh, Canajoharie, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was 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 a bond in the sum of \$1,000, in