

conformity with section 10 of the act, conditioned in part that it be relabeled and rebranded in a manner satisfactory to this department.

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

**10993. Misbranding of Cholerine. U. S. v. Germo Mfg. Co., a Corporation. Plea of guilty. Fine, \$101.** (F. & D. No. 14913. I. S. Nos. 3122-r, 3123-r.)

On August 10, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Germo Mfg. Co., a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 19, 1920, from the State of California into the State of Oregon, of quantities of Cholerine, a portion of which, in liquid form, was contained in bottles, and the remainder of which, in tablet form, was contained in sacks, all of which were misbranded. The bottles were labeled in part: "Cholerine \* \* \* Germo Manufacturing Co., Los Angeles, Cal." The sacks were labeled in part: "Cholerine For Fowls \* \* \* Germo Manufacturing Company Germo Building Los Angeles, U. S. A."

Analyses of samples of the article, by the Bureau of Chemistry of this department, showed that the liquid consisted essentially of small proportions of magnesium sulphate, iron sulphate, sulphuric acid, and extract of red pepper, with a large proportion of water (96 per cent), and some undissolved iron oxid, and that the tablets consisted essentially of magnesium sulphate, iron sulphate, iron oxid, aluminium silicate, a calcium compound, gum, and milk sugar, flavored with saffrol.

Misbranding of the article was alleged in substance in the information for the reason that certain statements appearing in the labels of the bottles containing a portion of the said article, and certain statements appearing on the cartons and sacks containing the remainder of the article and in the circulars enclosed in said cartons, regarding the curative and therapeutic effect of the said article, falsely and fraudulently represented that the product contained in said bottles was effective as a remedy and cure for cholera, roup, limberneck, white diarrhea, and other germ diseases in poultry, and that the product contained in said sacks was effective as a remedy, treatment, and cure for chickenpox, roup, cholera, limberneck, and white diarrhea in poultry and for worms and cholera in hogs, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On June 5, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$101.

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

**10994. Misbranding of Lung Germine. U. S. v. 12 Bottles and 20 Bottles of Lung Germine. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15163, 15225. I. S. Nos. 1034-t, 3386-t. S. Nos. C-3116, C-3131.)

On July 21 and 22, 1921, respectively, the United States attorney for the District of Kansas, 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 32 bottles of Lung Germine, in part at Wichita and in part at Atchison, Kans., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about March 23 and August 27, 1920, respectively, and transported from the State of Michigan into the State of Kansas, 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 libels for the reason that the following statements appearing in the labels of the bottles and cartons containing the article, to wit, (bottles) " \* \* \* 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)," and the following statements appearing in a booklet or circular accompanying a portion of the said article, "\* \* \* 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. \* \* \* 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 \* \* \*," regarding the curative or therapeutic effect of the said article, were false and fraudulent, and the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that it was effective to produce the therapeutic effects claimed therein, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing such effects.

On February 16 and 17, 1922, respectively, 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.

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**10995. Adulteration of oranges. U. S. v. 294 Cases of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15803. I. S. No. 942-t. S. No. C-3460.)**

On March 10, 1922, 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 294 cases of oranges, consigned on or about February 24, 1922, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the California Fruit Growers' Exchange, from Prenda, Calif., and transported from the State of California into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Crescent Brand Arlington Heights Fruit Co., Riverside, California."

Adulteration of the article was alleged in the libel for the reason that it consisted of a decomposed vegetable substance.

On March 14, 1922, the United Fruit Auction Co., Cincinnati, Ohio, claimant, having 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, and the bad portion separated so as to show that it was not for human consumption and the good portion released to the said claimant.

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**10996. Adulteration and misbranding of tankage. U. S. v. 140 Sacks and 150 Sacks of Tankage. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15824, 15825. I. S. No. 18451-t. S. No. C-3494.)**

On March 31, 1922, the United States attorney for the Western District of Missouri, 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 290 sacks of tankage, remaining in the original unbroken packages, in part at Chula, Mo., and in part at Laredo, Mo., alleging that the article had been shipped by the Fred K. Chandler Feed Co., Des Moines, Iowa, on or about March 14, 1922, and transported from the State of Iowa into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sack) "100 Pounds Net, Chandler's High Grade Digester Tankage, Guaranteed Analysis Protein 61% \* \* \* Fred K. Chandler Feed Company, Des Moines, Iowa."