

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the said package, booklet, and circular were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On October 11, 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.*

**11343. Misbranding of phosphorus, nux, and damiana compound. U. S. v. 5 Dozen Bottles of Phosphorus, Nux, and Damiana Compound. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13711. I. S. No. 9211-t. S. No. E-2759.)

On September 23, 1920, the United States attorney for the Southern District of Georgia, 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 5 dozen bottles of phosphorus, nux, and damiana compound, remaining unsold in the original bottles at Savannah, Ga., alleging that the article had been shipped by Henry S. Wampole Co., Baltimore, Md., on or about June 5, 1920, and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and bottle) "For an exhausted nervous system, Nervous weakness and Lost Vitality, Impotence, Insomnia, Hysteria, Nervous Depression and other Diseases of the Brain and Nerves Of Both Sexes \* \* \* Renewing Strength, Restoring Lost Vitality and Increasing all the Physical Powers."

Analysis of a sample of the article by the Bureau of Chemistry of this department, showed that it consisted essentially of alkaloids of nux vomica, damiana extractives, phosphorus, and celery, in alcohol and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the carton and bottle containing the article were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On March 6, 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*

**11344. Adulteration and misbranding of Honey Boy brand nonalcoholic cordial. U. S. v. 10 Kegs of Honey Boy Brand Nonalcoholic Cordial. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13963. I. S. Nos. 9228-t, 9229-t. S. No. E-2883.)

On October 29, 1920, the United States attorney for the Southern District of Georgia, 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 10 kegs of Honey Boy brand nonalcoholic cordial, remaining unsold in the original packages at Brunswick, Ga., alleging that the article had been shipped by the Honey Boy Cordial Co., St. Louis, Mo., on or about October 19, 1920, and transported from the State of Missouri into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Keg) "Honey Boy Brand 16 Gallons Non-Alcoholic Cordial Razzle Dazzle \* \* \* Manufactured By The Honey Boy Cordial Co. St. Louis, Mo. New Orleans, La."

Adulteration of the article was alleged in substance in the libel for the reason that an artificially colored solution of glucose and saccharin had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby damage or inferiority was concealed, and for the further reason that it contained an added poisonous and deleterious ingredient, saccharin, which might render said article injurious to health.

Misbranding was alleged for the reason that the statement on the label, "Honey Boy Brand Non-Alcoholic Cordial," was false and misleading and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cordial.