

**11522. Misbranding of Yerkes palatable wine extract of cod-liver oil. U. S. v. 4 Dozen, et al., Bottles of Yerkes Palatable Wine Extract of Cod-Liver Oil. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15828, 15829, 15830, 16072, 16073, 16074. S. Nos. E-3832, E-3833, E-3834.)

On April 4, 1922, the United States attorney for the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 7½ dozen bottles of Yerkes palatable wine extract of cod-liver oil, in various lots at Stockton, Martinsville, Axton, Boone Mill, and Bassetts, Va., respectively, alleging that the article had been shipped by the Yerkes Chemical Co., from Winston-Salem, N. C., in part on or about July 20, 1921, and in part on or about July 29, 1921, and transported from the State of North Carolina into the State of Virginia, 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 compounds of sodium, potassium, calcium, iron, quinine, strychnine, and phosphorus, extracts of plant drugs, including wild cherry bark, possible traces of cod-liver oil and malt extract, sugar, alcohol, and water, flavored with benzaldehyde.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing on the labels of the bottles and cartons containing the article, (bottle and carton) "A superior nutrient \* \* \* and reconstructive of especial value for restoring tone and vigor to the entire system. Indicated in General Debility, Nervous Prostration, Tuberculosis, Emaciation, Scrofulosis, Winter Cough, Bronchitis, etc.," (carton) "Builds You Up \* \* \* Unexcelled as a \* \* \* nutrient and reconstructive remedy. Indicated in \* \* \* General Debility, Nervous Prostration, Neurasthenia, Anemia, Chlorosis, Nervous Dyspepsia, Hysteria, Chronic Cough, Consumption, Chronic Bronchitis, Scrofula and other chronic diseases requiring building up treatment. \* \* \* nerve-nutrient and reconstructive," regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the said statements represented that the said article was a superior nutrient and reconstructive of especial value for restoring tone and vigor to the entire system, and indicated in general debility, nervous prostration, tuberculosis, emaciation, scrofulosis, winter cough, bronchitis, etc., that it was effective for building up the system, was unexcelled as a nutrient and a reconstructive remedy, and indicated in general debility, nervous prostration, neurasthenia, anemia, chlorosis, nervous dyspepsia, hysteria, chronic cough, consumption, chronic bronchitis, scrofula, and other chronic diseases requiring building-up treatment, and that it was a nerve nutrient and reconstructive, whereas, in truth and in fact, it was not.

On October 14, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11523. Adulteration of chloroform. U. S. v. 19 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16713. S. No. E-4107.)

On August 4, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 tins of chloroform, remaining unsold in the original unbroken packages at Willimantic, Conn., alleging that the article had been shipped from New York, N. Y., on or about March 13, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity for a drug sold under said name, as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On May 29, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11524. Adulteration of shell eggs. U. S. v. 9 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17031. I. S. No. 3954-v. S. No. C-3835.)

On November 18, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by the Judson Creamery & Produce Co., from North Judson, Ind., November 15, 1922, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On December 7, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11525. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17183. I. S. No. 2153-v. S. No. E-4283.)

On January 22, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 barrels of vinegar, at Pittsburgh, Pa., alleging that the article had been shipped by the National Vinegar Co., from Brocton, New York, on or about March 20, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples \* \* \* Reduced With Water To 40% Acetic Acid Date Of Manufacture 1920 National Vinegar Company Buffalo, N. Y."

Adulteration of the article was alleged in the libel for the reason that evaporated apple products vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Pure Cider Vinegar Made From Apples \* \* \* National Vinegar Company," were false and misleading and deceived 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, namely, pure cider vinegar made from apples.

On April 24, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11526. Adulteration and misbranding of canned shrimp. U. S. v. 200 Cans of Shrimp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17190. I. S. No. 2098-v. S. No. E-3248.)

On January 22, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cans of shrimp, at Pittsburgh, Pa., alleging that the article had been shipped by the Phoenix Packing Co., from Buras, La., on or about September 12, 1922, and transported from the State of Louisiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Gulf Bay Brand \* \* \* Shrimp Contents Wet Pack 5½ Ounces \* \* \* Packed By Phoenix Packing Co. Buras, La."