

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11701-11750.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 18, 1923.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11701. Misbranding of Pep-Tonic. U. S. v. 39 Bottles, et al., of Pep-Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15871, 15872, 15873. I. S. Nos. 2026-t, 2027-t, 2028-t. S. No. C-3385.)

On January 11, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 62 bottles of Pep-Tonic, in various lots at Salina, Luray, and Paradise, Kans., respectively, alleging that the article had been shipped by the Puritan Products Co., Clinton, Ill., on or about September 30, 1920, and transported from the State of Illinois into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 76 per cent of salt, 7 per cent of potassium permanganate, 9 per cent of potassium bichromate, and a small quantity of starch, in tablet form.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels of the bottles and cartons containing the said article and in the accompanying circular, to wit, (bottle) "A Medicine For The Prevention Of Cholera, Also Stomach And Intestinal Worms In Swine * * * We will refund your money if Pep-Tonic fails to prevent cholera, also stomach or intestinal worms in swine, when used strictly as per directions on bottle * * * Use Pep-Tonic The First Two Weeks * * * To Remove The Worms * * *". If the hogs have worms they will begin to come out by the end of the first week, but keep up the treatment for another week, then give as directed for prevention * * *. After you have given Pep-tonic for two weeks, as above stated, give it three times each week, as a * * * prevention," (carton) "A Medicine For Prevention Of Cholera Also For Prevention And Expulsion Of Stomach And Intestinal Worms In Swine. * * * We will refund your money if Pep-Tonic fails to prevent cholera; also stomach or intestinal worms in swine, when used strictly as per directions * * *. Hog Cholera * * * Get rid of the worms. Pep-Tonic will do it, and will keep your hogs so healthy * * *. It is a worm and cholera medicine. It prevents the big losses caused by cholera and worms * * *. Pep-Tonic will kill and expel stomach and intestinal worms in swine * * *. You don't have to feed wormy hogs, Pep-Tonic will rid your hogs of them. Its use will keep hogs of any size, age, sex or condition in perfect health. Pep-Tonic does the work every time. No question about it and no question about results," (circular) "Feeding a hog that is wormy Means A Loss You Can Avoid. Keep your hogs healthy—Peptonic will do it * * *. No Worms

When You Butcher When you butcher, if you have used Peptonic the right way, you will find * * * the intestines * * * free from worms," were false and fraudulent, in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers thereof and to create in the minds of such purchasers the impression and belief that the article was composed of or contained ingredients or medicinal agents capable of producing the therapeutic effect claimed, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing such effect.

On April 28, 1922, and June 29, 1923, 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.

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

11702. Adulteration and alleged misbranding of flour. U. S. v. 196 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16449. I. S. No. 14048-t. S. No. W-1105.)

On June 20, 1922, the United States attorney for the Western District of Washington, 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 196 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Royal Milling Co., from Great Falls, Mont., March 16, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Manufactured For Royal Milling Co. Fancy Patent Ivanhoe Flour * * * Manufactured from Hard Wheat Great Falls, Mont. Bleached 49 Lbs."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the sacks containing the article, "49 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.

On June 27, 1922, Galbraith & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and confessed judgment, a decree of the court was entered adjudging the product to be adulterated and ordering its condemnation, and it was further ordered 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 \$250, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision and to the satisfaction of this department.

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

11703. Adulteration of chloroform. U. S. v. 76 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16627. I. S. No. 3119-t. S. No. C-3701.)

On July 13, 1922, the United States attorney for the Northern 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 praying the seizure and condemnation of 76 cans of chloroform, remaining in the original unbroken packages at Canton, Ohio, alleging that the article had been shipped from New York, N. Y., on or about March 1, 1922, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained 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 as determined by the test laid down in the said Pharmacopœia.