

14478. Misbranding of Tonico Para Los Nervios. U. S. v. 144 Bottles of Tonical Para Los Nervios (Tonico Para Los Nervios). Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20789. I. S. No. 637-x. S. No. W-1851.)

On January 23, 1926, 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 a libel praying seizure and condemnation of 144 bottles of Tonico Para Los Nervios, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Henry S. Wampole Co., alleging that the article had been shipped from Baltimore, Md., on or about December 5, 1925, and transported from the State of Maryland into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained calcium, sodium, potassium and strychnine glycerophosphates, a trace of lecithin, sugar, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the labels containing the following statements, regarding its curative or therapeutic effect, (bottle label, in Spanish) "An efficacious remedy for nervous prostration, nervous exhaustion, nervous debility, irritability caused by nervous tension, insomnia, hysteria, etc.," (carton, in Spanish) "An efficacious remedy for nervous prostration (neurasthenia), nervous exhaustion, nervous debility, irritability caused by nervous tension, insomnia, hysteria, etc. * * * For all cases in which the nervous system has been debilitated and the resistance lowered by excess of work, fatigue, excessive preoccupations, deficient alimentation and excess of any kind," which statements were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 23, 1926, the Henry S. Wampole Co., Baltimore, Md., claimant, having admitted the allegations of the libel and 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 bond in the sum of \$75, conditioned in part that it be relabeled in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

14479. Misbranding of cottonseed meal. U. S. v. 51 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19986. I. S. No. 17426-v. S. No. E-5282.)

On April 16, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 51 sacks of cottonseed meal, at Christiansburg, Va., alleging that the article had been shipped by the Wilmington Oil & Fertilizer Co., from Wilmington, N. C., November (on or about November 24), 1924, and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Empire Choice Cotton Seed Meal Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00% * * * Fibre, not more than 10.00%."

Misbranding of the article was alleged in the libel for the reason that the statements, "Choice Cotton Seed Meal Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00% * * * Fibre, not more than 10.00%," borne on the labels, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the article contained not less than 41.12 per cent of protein, equivalent to 8 per cent of ammonia, and contained not more than 10 per cent of fiber, whereas the said article contained less than 41.12 per cent of protein, less than the equivalent of 8 per cent of ammonia, and contained more than 10 per cent of fiber.

On June 9, 1925, 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 sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*