

**16086. Adulteration of dressed poultry. U. S. v. 1 Barrel, et al., of Dressed Poultry. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 23166, 23167, 23168. I. S. Nos. 03054, 03055, 03056. S. No. 1269.)

On October 30, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 4 barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped by Hurst & Majors, from Manhattan, Kans., in various consignments, on or about October 3, October 9, and October 13, 1928, respectively, and transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libel with respect to a portion of the article for the reason that it consisted in part of a decomposed animal substance not fit for human consumption. Adulteration was alleged with respect to a second portion of the article for the reason that it consisted in part of a decomposed animal substance and in that it was the product of a diseased animal. Adulteration was alleged with respect to a third portion of the article for the reason that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On November 16, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16087. Adulteration and misbranding of Lee's Creo-Lyptus. U. S. v. 75 Dozen Bottles of Lee's Creo-Lyptus. Decree of forfeiture entered. Product released under bond.** (F. & D. No. 23118. S. No. 1209.)

On October 4, 1928, 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 praying seizure and condemnation of 75 dozen bottles of Lee's Creo-Lyptus, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Walter Janvier (Inc.), from New York, N. Y., on or about July 23, 1928, and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, chloroform, extracts of plant drugs, traces of volatile oils, a possible trace of creosote, sugar, alcohol, and water.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (display card) "On account of its antiseptic action on the lungs, an active germicide, and an antiseptic," since the said article had no antiseptic action on the lungs, was not an active germicide, and was not an antiseptic.

Misbranding was alleged for the reason that the following statements, borne on the labels, were false and misleading: (Bottle label) "Creo \* \* \* An emulsified Creosote, Eucalyptus, and pine preparation \* \* \* Contents of this package are guaranteed to comply with all Federal and State Pure Food Laws," (poster) "Creo \* \* \* An emulsified Creosote, Eucalyptus, and Pine preparation," (display card) "Creo."

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display card) "For Coughs, Colds, and Bronchial Congestion, Quick Relief to Persistent and Chronic Cases \* \* \* Spasmodic Croup and Whooping Cough \* \* \* Stops Coughs in 5 Minutes; Creosote—It is used in the treatment of tuberculosis, pneumonia, and bronchitis \* \* \* Creosote was originally introduced in the treatment of tuberculosis on account of its antiseptic action on the lungs. Its beneficial influence in this disease can be ascribed to its stimulating effect on the bronchial mucous membrane. For this action it is also a very valuable drug in the treatment of all types of chronic bronchitis. It is considered very reliable in the treatment of chronic inflammation of the air passages. Creosote if taken over a short period of time is taken in the blood tract and carried to the lungs, saturating them to the extent that it is next to impossible for pneu-

monia germs to exist. \* \* \* used as an expectorant in bronchitis and Spasmodic Croup \* \* \* an active germicide \* \* \* an antiseptic especially in the treatment of infections of the upper respiratory tract, and \* \* \* in chronic bronchitis and tuberculosis. It has been especially praised in asthma. \* \* \* in the treatment of Asthma and Bronchitis where there is a tendency to dyspnoea (difficult or labored breathing) and bronchial spasm. In chronic bronchitis of aged persons it is particularly salutary. It has been especially useful in the treatment of Whooping Cough and Spasmodic Croup. \* \* \* asserted in the treatment of Catarrhal affections, Coughs, Colds, Croup, Whooping Cough, Asthma, etc.;" (poster) "Stop that Cough, Cold, or Croup, quickly relieves persistent Coughs, Colds, Spasmodic Croup, Bronchial Asthma, Whooping Cough. Prevents Pneumonia;" (bottle label) "Quickly relieves persistent Coughs, Colds, Spasmodic Croup, Bronchial Congestion, Whooping Cough \* \* \* until relieved \* \* \* For whooping cough and croup \* \* \* Creo-Lyptus should be taken regularly according to directions as long as cough is evident. Inflamed tissues are quickly relieved \* \* \*. For better results in Severe cases."

On October 19, 1928, the Creo-Lyptus Co. (Inc.), having appeared as claimant for the property and having admitted the allegations of the libel, judgment of forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled so as to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16088. Misbranding of butter. U. S. v. 76 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23187. I. S. Nos. 0843, 0844. S. No. 1212.)**

On or about September 14, 1928, the United States attorney for the Eastern District of Louisiana, 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 76 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Manning Creamery Co., Manning, Iowa, on or about September 8, 1928, and transported from the State of Iowa into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: (Shipping cases) "Quarters," and invoiced as "705#-1/4# P. W." The remainder of the said article was labeled in part: (Shipping cases) "Quarters," (retail carton) "Pfeifer's Elegant Creamery Butter Quarter Prints One Pound Net Farmers Co-operative Creamery Co."

It was alleged in the libel that the article was misbranded in that the statement "Quarters," appearing on the shipping cases, and the invoicing as "750#-1/4# P. W.," with respect to a portion of the product, and the statements, "Quarters," appearing on the shipping cases and "One Pound Net," appearing on the retail cartons, with respect to the remainder of the product, were 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, since the quantities stated on the packages were not correct.

On September 24, 1928, Gerde, Newman & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, 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 costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be repacked in half tubs of approximately 32 pounds net weight, and should not be used, sold, or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16089. Adulteration and misbranding of tablets Bacillus bulgaricus. U. S. v. 30 Packages of Tablets Bacillus Bulgaricus. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23109. I. S. No. 0873. S. No. 1203.)**

On September 28, 1928, the United States attorney for the Eastern District of Louisiana, 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