On December 8, 1930, 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.*

17764. Misbranding of Davis' Union tonic. U. S. v. 31 Bottles, et al., of Davis' Union Tonic. Decrees entered ordering product released under bond. (F. & D. Nos. 25098, 25099. I. S. Nos. 6364, 6378. S. Nos. 3377, 3378.)

Examination of samples of a drug product known as Davis' Union tonic from one of the herein-described interstate shipments having shown that the principal therapeutic agent of the article was Epsom salts, while it was labeled as being composed of roots, herbs, barks, gums, and berries, and that the labels bore claims of curative properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On or about September 9, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 127 bottles of Davis' Union tonic at Mobile, Ala., alleging that the article had been shipped by Chas. T. Davis, from Pensacola, Fla., in part on or about March 29, 1930, and in part on or about June 29, 1930, and had been transported from the State of Florida into the State of Alabama, and charging 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 magnesium sulphate (12.7 per cent), extracts of plant drugs including glycyrrhiza, a laxative drug, and a bitter drug, salicylic acid, and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton and bottle labels, "This tonic is composed of roots, herbs, barks, gums and berries," was false and misleading when applied to an article the principal therapeutic agent of which was Epsom salts. Misbranding was alleged for the further reason that the following statements appearing on the bottle and carton labels, and in the accompanying circulars, were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For all Forms of Stomach, Liver & Kidney Troubles. A Blood Purifier recommended to relieve * * * Indigestion, Sourness and Gas on Stomach, Heartburn, Shortness of Breath, Dizziness in the Head, Bloating or Swelling of the Feet, Backache, Rheumatism, caused from Uric Acid in the Blood, Malaria, Chills and Fever, Female Weakness;" (carton) "Recommended to Relieve Constipation, Indigestion, Sourness and Gas on Stomach, Heartburn, Shortness of breath, Dizziness, Bloating, Swelling of Feet, Backache, Rheumatism, caused from Uric Acid in the Blood, Malaria, Chills and Fever, Female Weaknesses Etc., Etc.;" (circular) "Holds the Banner as a Stomach, Liver and Kidney Regulator and Blood Purifier. $1000–Reward–$1000 for any herbs known to medical science, better for regulating the disorders of the Stomach, Liver and Kidneys and Purifying the Blood than Herbs contained in Davis' Union Tonic. It removes the cause, assists nature in freeing your system from poisons that cause sickness. * * * [Testimonials] Says Davis' Union Tonic has done more for her than any other remedy she has ever tried. She was suffering from a complete rundown condition, but now she is feeling fine, and recommends Davis' Union Tonic to her friends."

On September 29, 1930, C. T. Davis, Pensacola, Fla., having appeared as claimant for the property and having admitted the allegations of the libels and executed bonds totaling $100, conditioned that the product be relabeled under the supervision of this department, decrees were entered ordering that the said product be released upon inspection and approval by this department of the relabeled goods, and payment of costs by the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17765. Adulteration and misbranding of fluid extract ginger. U. S. v. 66 Bottles of Fluid Extract Ginger. No claim entered. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 25051. I. S. No. 035403. S. No. 3228.)

Examination of samples of fluid extract of ginger having shown that the article contained oil not derived from ginger and that it was deficient in ginger extractives, the herein-described interstate shipment of a quantity of

the product was reported to the United States attorney for the Western District of Louisiana.

On June 9, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 66 bottles of fluid extract of ginger, remaining in the original unbroken packages at Monroe, La., alleging that the article had been shipped by the York Distributing Co., Brooklyn, N. Y., on or about March 15, 1930, and had been transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract of Ginger U. S. P. Not over 83% Alcohol by Volume. * * * Packed by York Distributing Co., Brooklyn, N. Y."

It was alleged in substance in the libel that the article was adulterated in that its strength and purity fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the cartons containing the article bore the statement "Fluid Extract of Ginger U. S. P.," which was false and misleading, since the said article did not conform to the standard of the United States Pharmacopoeia.

On October 6, 1930, no claimant having appeared for the property and a jury having found the allegations of the libel to be true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17766. Misbranding of Dr. Myers' pneumonia compound. U. S. v. 5 Bottles of Dr. Myers' Pneumonia Compound. Default decree of destruction entered. (F. & D. No. 24848. I. S. No. 029676. S. No. 3181.)

Examination of samples of a drug product known as Dr. Myers' pneumonia compound from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On July 24, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 bottles of Dr. Myers' pneumonia compound at Newark, Ohio, consigned by the Myers Remedy Co., Philippi, W. Va., alleging that the article had been shipped from Philippi, W. Va., on or about April 23, 1930, and had been transported from the State of West Virginia into the State of Ohio, and charging 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 sodium salicylate, extracts of plant drugs, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements borne on the bottle label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Pneumonia Compound * * * This is a preparation which I have used in pneumonia for over 30 years, without losing an uncomplicated case * * * Will break up an attack of pneumonia in from 1 to 3 days. You can use it with perfect confidence that good results will follow if used according to directions. It produces a free perspiration or sweat, equalizes the circulation thus reducing the tension of the heart action and lung structure. It is a valuable household remedy and should be found in every home ready for use at the first symptom of this dread disease. It will save weeks of suffering, great expense and anxiety. * * * This preparation will be found of the highest value in all eruptive fevers such as measles, small-pox, etc. * * * It * * * acts well on the kidneys. By equalizing the circulation it will relieve almost any pain."

On October 21, 1930, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*