

6731. Misbranding of hog powder. U. S. * * * v. 12 Five-pound Bags, 12 Fifteen-pound Pails, and 12 Thirty-pound Pails of * * * B. A. Thomas' Improved Hog Powder * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9087. I. S. No. 10012-p. S. No. C-913.)

On June 24, 1918, the United States attorney for the Eastern 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 for the seizure and condemnation of 12 five-pound bags, 12 fifteen-pound pails, and 12 thirty-pound pails of B. A. Thomas' Improved Hog Powder, consigned on or about April 10, 1918, by the Old Kentucky Manufacturing Co., Paducah, Ky., remaining unsold in the original unbroken packages at Mitchellsville, Ill., alleging that the article had been shipped and transported from the State of Kentucky into the State of Illinois, and charging misbranding in violation of the Food & Drugs Act, as amended. The article was labeled in part, "B. A. Thomas' Improved Hog Powder."

Misbranding of the article was alleged in the libel for the reason that the label on the bags and pails contained the following false and fraudulent statements regarding the curative and therapeutic effect of the article and the contents of the bags and pails, to wit, "B. A. Thomas' Improved Hog Powder * * * for hogs that will eat or to use this remedy as a preventive for cholera; * * * remedy for such diseases as Cholera, Swine Plague."

Misbranding of the article was alleged for the further reason that the booklet contained in the shipment bore the following false and fraudulent statements regarding the curative and therapeutic effect of the article and the contents of the bags and pails, to wit: "B. A. Thomas' Hog Powder * * * used it most successfully for a number of years with his own hogs for the cure and prevention of Cholera and Swine Plague * * * during a general epidemic of Hog Cholera in his county which had spread to his own herd. That he first used this remedy with such splendid effect that he did not lose a single hog, although a number were past eating and were apparently in a hopeless condition. Proving so successful in this case, he continued the use of it as a cure and preventive for Cholera and Swine Plague; * * * a safe and effective remedy and preventive for contagious germ diseases such as Cholera, Swine Plague; * * * if used as directed, we positively guarantee one pound B. A. Thomas' Hog Powder to cure any one case of Hog Cholera or we will refund your money."

Misbranding of the article was alleged for the further reason that the contents of the bags and pails was a dry powder containing essentially iron oxid, iron, lime and magnesium, carbonate and sulphate, and salt, and the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it on the label and in the booklet.

On August 9, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6732. Misbranding of Sulferro-Sol. U. S. * * * v. 11 Gross Large and 1 Gross Small Packages of Sulferro-Sol. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9088. I. S. No. 4884-p. S. No. E-1051.)

On June 29, 1918, the United States attorney for the Northern 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, and on September 27,

1918, an amended libel, for the seizure and condemnation of 11 gross large and 1 gross small packages of Sulferro-Sol, remaining unsold in the original unbroken packages at Columbus, Ga., alleging that the article had been shipped on or about September 19, 1917, by the Sul-Ferro-Sol Co., Birmingham, Ala., and transported from the State of Alabama into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Sulferro-Sol, a Natural Nerve Tonic and Blood Purifier."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of a solution of iron and aluminum sulphates and traces of other inorganic salts in water.

It was alleged in substance in the libel that the article was misbranded for the reason that certain statements appearing on the label of the bottle, carton, and in the pamphlet and booklet accompanying the article falsely and fraudulently represented it as a remedy for pellagra, dyspepsia, indigestion, asthma [anaemia], chronic diseases [chronic abscesses], and all forms of stomach, kidney, skin, blood, and nervous troubles, whereas, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed for it, and it was not in whole or in part composed of, and did not contain ingredients or medicinal agents, effective, among other things, as a remedy for pellagra, dyspepsia, indigestion, asthma [anaemia], chronic diseases [chronic abscesses], and all forms of stomach, kidney, skin, blood and nervous trouble. It was alleged in substance that the article was misbranded for the further reason that certain statements appearing on the labels, bottles, cartons, and in the booklet accompanying the article falsely and fraudulently represented it as of exceptional value in the treatment of pellagra, dyspepsia, indigestion, anaemia, chronic diseases [abscesses], and all forms of stomach, kidney, skin, blood and nervous trouble, and effective as a natural nerve tonic and blood purifier, and very beneficial in the treatment of pellagra, indigestion, colic, rheumatism, dyspepsia, diarrhoea, and various forms of stomach, kidney, bladder, blood, skin, and nervous troubles, and very beneficial in the treatment of, and a most powerful remedy for, rheumatism, diarrhoea, bladder troubles, dysentery, flux, and internal hemorrhage, burns, old and fresh sores, tetter, eczema, female troubles, and tuberculosis of the bones, when, in truth and in fact, it did not contain ingredients or combination of ingredients nor medicinal agents capable of producing the curative and therapeutic effects claimed for it.

On February 5, 1919, the said Sul-Ferro-Sol Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6733. Misbranding of salmon. U. S. * * * v. 30 Cases * * * of Fancy Pink Alaska Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9089. I. S. No. 8894-p. S. No. C-917.)

On June 25, 1918, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases, each containing 48 cans of fancy pink Alaska salmon, so-called, consigned on November 16, 1917, by F. C. Barnes Co., Seattle, Wash., remaining unsold in the original unbroken packages at Russell, Ky., alleging that the article had been shipped and transported from the State of Washington into the State of Kentucky, and charging adulteration in violation