8689. Misbranding of Brazilian Balm. U. S. * * * v. 93 Bottles and 45 Bottles, 69 Bottles and 30 Bottles, 141 Bottles and 69 Bottles of Brazilian Balm. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12559, 12560, 12561. I. S. Nos. 17492–r, 17493–r, 17485–r, 17486–r. S. Nos. E–2039, E–2040, E–2041.)

On March 18, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 93 bottles, 25-cent size, and 45 bottles, 50-cent size, etc., of Brazilian Balm, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by B. F. Jackson & Co., Arcade, N. Y., on or about February 11, February 13, and February 25, 1920, and transported from the State of New York into the State of Maryland, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part: (25-cent size) (bottle) "* * * Grip, Croup, Throat and Lung Troubles, Catarrh, Asthma, Bronchitis and Fevers * * * Mumps * * * constipation, piles and all inflammatory conditions * * *;" (wrapper) "* * * Coughs, Grip, Croup * * * Sore Throat, Bronchitis, Asthma, Catarrh of head and system, Pneumonia, Fevers, Inflammation and many lung troubles * * * Swellings * * *;" (small circular) "* * * Croup, Pleurisy, Bronchitis, Sore Throat, Sore Lungs, Catarrh, Asthma * * * Constipation * * * Mumps * * * Lame Back * * * Grip * * * Measles * * * Hemorrhage of the Lungs * * * Fevers * * * Typhoid and Pneumonia * * * Systemic Catarrh * * * Inflammation of Bowels * * *;" (large circular) "* * * Grip, Croup, Bronchitis, Pleurisy, Sore Throat, Catarrh, Asthma, Pneumonia, Etc. * * * Swellings * * * Blood Poison * * * Spanish Influenza, Hay Fever * * * Bloating * * * Bleeding Lungs, Stomach, Bowels * * * Bleeding Uterus * * * Catarrh of Lungs * * * Catarrh of Uterus * * * Constipation * * * Contagious Diseases * * * Earache * * * drop in ear, Same for running ears * * * Fevers * * * Hemorrhage * * * Hemorrhoids * * * Blood Poison * * * Leucorrhœa or Whites * * * Measles * * * Mumps * * * Neuralgia * * * Piles * * * Prophylactic * * * Quinsy * * * Scarlet Fever * * * Sore Throat * * * Tonsilitis * * * Tuberculosis * * * Typhoid * * * Systemic Catarrh * * * Whooping Cough * * *;" (50-cent size) (bottle) "* * * Croup, Throat, and Lung Troubles, Catarrh in Head, Stomach, Bowels, Etc. * * * Asthma * * * Grip, Pleurisy, Inflammation and Hemorrhage of Lungs, Stomach, Bowels, Wounds, Etc. Wonderful in Fevers * * * prevents Lock Jaw * * * Running Ears, Inflamed Eyes * * * Swellings as in Mumps, Sore Throat * * * Bloating in Typhoid * * *;" (wrapper) "* * * LaGrippe, Croup * * * Sore throat, Bronchitis, Asthma, Catarrh, Fevers, Inflammation, Lung Troubles, Etc. * * * Piles, Pleurisy * * *;" (circulars identical with those for 25-cent size, and additional small circular) "* * * Grippe, Catarrh * * * Inflammation of the Lungs * * * Pneumonia * * * Spanish Influenza * * * Whooping Cough * * * Asthma * * *;" (additional large circular) "* * * Croup, Grip, Sore throat, Bronchitis, Fevers * * * Asthma and Catarrh * * * Swellings, Etc. * * * Pneumonia * * * Spanish Influenza * * * Hay Fever * * * Mumps * * * Systemic Catarrh * * * Typhoid Fever * * * Congestion of the Lungs, Laryngitis and Heart Failure * * * Blood Poison Prevented * * * Catarrh of the Bowels * * * Sick Headache * * * Serious

Female Troubles * * * Quick Consumption * * * Pleurisy Quickly Cured * * * Kidney Trouble * * * Typhoid and Pneumonia Cured * * *."

Analysis of a sample of the product made by the Bureau of Chemistry of this department showed that it consisted essentially of plant extractives, including hydrastis, glycerin, sugar, alcohol, methyl salicylate flavoring, and water.

Misbranding of the article was alleged in the libels for the reason that the foregoing statements, regarding the curative or therapeutic effect of the article, were false and fraudulent as the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it.

On May 21, 1920, no claimant having appeared for the property, default decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8690. Misbranding of cottonseed meal. U. S. * * * v. Valley Cotton Oil Co., a Corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 12347. I. S. No. 10913-r.)

On July 7, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Valley Cotton Oil Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 22, 1919, from the State of Tennessee into the State of Kentucky, of a quantity of an article labeled in part, "Owl Brand, F. W. Brode & Co., Inc., Memphis, Tenn. High-Grade Cotton Seed Meal."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of 7.26 per cent of ammonia, 37.36 per cent of protein, 5.98 per cent of nitrogen, and 12.52 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed analysis Ammonia 8% Protein 41% Nitrogen 6½% Fibre, Maximum 10% These are Minimum Guarantees Frequently Runs Higher," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 per cent of fiber, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 per cent of fiber, whereas, in truth and in fact, said article contained less than the amounts named of ammonia, protein, and nitrogen, and more than 10 per cent of fiber, to wit, approximately 7.26 per cent of ammonia, approximately 37.36 per cent of protein, approximately 5.98 per cent of nitrogen, and approximately 12.52 per cent of crude fiber.

On October 28, 1920, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of $50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*