

District Court of the United States for said district an information in 2 counts against the Hanley & Kinsella Coffee and Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 7, 1918, from the State of Missouri into the State of Georgia, of a quantity of compound black pepper which was adulterated. The article was labeled in part, "H. & K. Compound Black Pepper Hanley & Kinsella Coffee & Spice Co. St. Louis."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of corn meal, black pepper, and a little capsicum.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, corn and capsicum, had been mixed therewith so as to lower, reduce, and injuriously affect its quality and strength, and for the further reason that certain substances, to wit, corn meal and capsicum, had been substituted in part for compound black pepper, which the article purported to be.

On November 6, 1920, the second count of the information, alleging misbranding, having been dismissed, a plea of nolo contendere to the first count, alleging adulteration, was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

**8857. Misbranding of Dr. Gunn's Blood and Nerve Tonic. U. S. \* \* \* v. 3 Dozen Packages of Dr. Gunn's Blood and Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13323. I. S. No. 10363-t S No. W-662.)**

On August 13, 1920, the United States attorney for the Northern 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 for the seizure and condemnation of 3 packages of Dr. Gunn's Blood and Nerve Tonic, remaining in the original unbroken packages at San Francisco, Calif., consigned November 4, 1919, alleging that the article had been shipped by the United Medicine Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of tablets composed essentially of aloes, phosphorus, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part, on the wrapper and label and in the circular, as follows, (wrapper) "For Diseases of the Blood and Nerves Such as Dizziness, Despondency, General Debility and Weakness \* \* \* with little strength and vigor," (circular) "In cases where there is a weakness of the sexual organs take the tonic regularly \* \* \* women and girls \* \* \* for suppression of the monthly flow take the tablets regularly," (label) "For Diseases of the Blood and Nerves \* \* \* Dizziness, Despondency, General Debility, Weakness \* \* \* with little Strength and Vigor," which statements were false and fraudulent since the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On August 24, 1920, 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 destroyed by the United States marshal.

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