

tained an added poisonous or deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On December 7, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10394. Misbranding of Bristol's sarsaparilla compound and Kemp's Anacahuita pectoral compound. U. S. * * * v. 18½ Dozen Bottles of Bristol's Sarsaparilla Compound and 11 Dozen Bottles and 2½ Dozen Bottles of Kemp's Anacahuita Pectoral Compound. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 14965, 14966, 14967, 14979. I. S. Nos. 10495-t, 10496-t, 10497-t, 10498-t. S. Nos. W-961, W-962, W-964, W-966.)

On June 2 and 4, 1921, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 18½ dozen bottles of Bristol's sarsaparilla compound and 13½ dozen bottles of Kemp's Anacahuita pectoral compound, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by Lanman & Kemp, New York, N. Y., between the dates May 17, 1919, and July 18, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Bristol's sarsaparilla compound) (wrapper) " * * * For Impure Conditions Of The Blood, Supposed To Be Induced By Syphilitic Taint * * * And Marked By Rheumatic Or Neuralgic Manifestations, Skin Eruptions, Nervous and General Debility of the System, Loss of Appetite, Languor, Dizziness, and Inactive Liver, which often precede Bilious And Other Fevers And Jaundice. * * * "; (bottle in English and Spanish) " * * * Ulcers or Running Sores, * * * Soreness of the Throat, * * * "; (Kemp's Anacahuita pectoral compound) (bottle label in English and wrapper in English, Spanish, and French) " * * * highly esteemed for its efficacy in Coughs, Throat and Bronchial Affections. * * * "; (circular accompanying a portion) (Spanish) " Pectoral de Anacahuita * * * for affections of the chest * * * phthisis * * * It may be stated with all confidence that with the use of this valuable remedy very satisfactory results have been obtained in cases of persons seriously threatened * * * Pulmonary consumption, tuberculous phthisis * * * catarrh * * * epidemical catarrh or influenza * * * bronchitis * * * For the chronic bronchitis of old persons * * * when accompanied by coughs, and habitual irritation, copious expectoration, loss of strength, purulent sputum, coughs more violent by night and hectic and nocturnal sweats the Pectoral de Anacahuita is invaluable. Whooping cough or convulsive cough * * * asthma * * * pleurisy, membraneous croup or croup. This disease which is distinguished by inflammation of the upper part of the throat with deposit of a false membrane which completely obstructs the passage so that the patient is suffocated may be prevented when the first symptoms appear by administering an emetic and taking freely a remedy like Pectoral de Anacahuita. For hectic fever which is usually accompanied by bronchial and pulmonary affections * * * Difficult respiration. All pulmonary diseases or those that affect the lungs are influenced by this remedy. It nips this disease in the bud * * * "; (circular accompanying the remainder) (English) " * * * Kemp's Anacahuita Pectoral Compound is * * * for the relief of affections of the chest. While we may not go so far as to say that Kemp's Anacahuita Pectoral Compound is a specific for Consumption, and that it will arrest the tubercular deposit after the disease has made serious ravages on the system, we nevertheless assert in good faith that with the use of this excellent preparation, good results may be obtained. We can recommend it highly to all who may be threatened by the disease, to arrest its progress and restore health. A preparation of this nature cannot but be regarded as a benefit, * * * Pulmonary Consumption. Phthisis Tuberculosa. * * * Spitting of Blood (hemorrhage) * * * cough * * * a great wasting of flesh. * * * hectic fever * * * copious sweats, diarrhoea, a great wasting of flesh and a wearing cough; * * * scrofulous symptoms. * * * from the very moment that the cough first appears, Kemp's Anacahuita Pectoral should be taken * * * Catarrh * * * Epidemic Catarrh or Influenza * * * Anacahuita Pectoral should be used * * * Bronchitis * * * expulsion of

the mucus and the reduction of the inflammation of the respiratory ducts. Anacahuita Pectoral can be safely recommended * * * it is beneficial in any stage of the ailment, * * * In the Chronic Bronchitis of the aged, or of persons addicted to intemperance, when accompanied by a cough and habitual * * * copious expectoration, loss of strength, purulent sputa, cough more severe at night and hectic nightsweats, Anacahuita Pectoral should be taken. Whooping-cough or Convulsive-cough. * * * may be relieved if timely use is made * * * Asthma. * * * should * * * be taken * * * Pleurisy. * * * free use being made of Anacahuita Pectoral * * * Croup.—This disease, which is marked by the inflammation of the upper part of the throat, and the growth of a false membrane which completely closes the passage, so that the patient dies from suffocation may be avoided if on the appearance of the first symptoms an emetic is given and Anacahuita Pectoral administered freely. The hectic fever which usually accompanies bronchial and pulmonary affections may be arrested by taking Anacahuita Pectoral * * * Difficult respiration. All pulmonary complaints or those which affect the lungs are liable to present this distressing symptom. Relieve the trouble and remove the cause. Try Kemp's Anacahuita Pectoral Compound."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the pectoral compound consisted essentially of small amounts of vegetable extractives, magnesium and ammonium salts, approximately 25 per cent of sugars, 25 per cent of alcohol, and water; and that the sarsaparilla compound consisted essentially of one-third per cent of potassium iodid, small amounts of extractives of vegetable drugs, including a laxative drug, traces of volatile oils, 15 per cent of sugar, 11 per cent of alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labeling thereof were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed. Misbranding of the Kemp's Anacahuita pectoral compound was alleged for the further reason that the statement on the label, to wit, "Alcohol, 34 per cent * * *," was false and misleading, and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since the statement on the said label was incorrect.

On September 17, 1921, J. Lawrence, Jr., having entered an appearance as claimant and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$500, conditioned in part that they be relabeled in accordance with the requirements and directions of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10395. Adulteration of oysters. U. S. * * * v. Golden & Co., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$50: (F. & D. No. 15002. I. S. No. 8817-t.)

On or about January 12, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Golden & Co., a corporation, Washington, D. C., alleging that on January 18, 1921, the said company did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On January 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the court delivered the following charge to the jury (Hardison, J.):