

3660. Misbranding of Sa-Yo mint jujubes. U. S. v. 100 Boxes \* \* \* Sa-Yo Mint Jujubes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5787. I. S. No. 8088-h. S. No. E-64.)

On July 1, 1914, the United States attorney for the Eastern District of Pennsylvania, 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 100 pasteboard boxes, each containing 48 cartons of Sa-Yo mint jujubes, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on or about January 30, 1914, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. Each of the pasteboard boxes was labeled: "Sa-Yo—Reg. U. S. Pat. Off.—Mint Jujubes—An Unfailing Relief for Coughs & Throat Irritations. Manufactured by Wallace & Co., New York City—Trade Mark. Five Cents—4 Dozen Packages Sa-Yo Mint Jujubes. Reg. U. S. Pat. Off. Serial No. 2486—Guaranteed under the Food and Drugs Act, June 30, 1906."

It was alleged in the libel that the drug was misbranded, in that each of the cartons bore a statement on the label thereof as follows, to wit, "Sa-Yo Mint Jujubes One Ounce," which said statement was false and misleading, in that each of the cartons contained less than one ounce of said drug; further, in that each of the pasteboard boxes and cartons bore a statement on the label thereof relating to the therapeutic effect of said drug which was false and fraudulent, to wit, "An unfailing relief for coughs and throat irritations," which said statement was false and fraudulent, in that said drug was not an unfailing relief for coughs and throat irritations; further, in that each of the cartons bore another statement on the label thereof regarding the therapeutic effect of said drug which was false and fraudulent, to wit, "Recommended by physicians as a prompt and effective relief for all coughs and bronchial troubles," which said statement was false and fraudulent, in that said drug was not recommended by physicians as a prompt and effective relief for all coughs and bronchial troubles; further, in that each of the cartons bore a statement on the label thereof regarding the therapeutic effect of said drug which was false and fraudulent, to wit, "Quickly removes attacks of indigestion," which said statement was false and fraudulent, in that said drug did not quickly remove attacks of indigestion; further, in that each of the cartons contained a certain leaflet which contained statements regarding the therapeutic effect of the drug which were false and fraudulent, to wit, the following statements, "Most efficacious in all conditions requiring relief," "As an effective remedy for coughs and throat irritations they are unequalled," which said statements were false and fraudulent, in that said drug was not most efficacious in all conditions requiring relief and was not unequalled as an effective remedy for coughs and throat irritations; and further, in that each of the cartons contained a poster, which said poster bore a statement regarding the therapeutic effect of said drug which was false and fraudulent, to wit, "Sa-Yo Mint Jujubes cure coughs and throat irritations," which said statement was false and fraudulent, in that said drug did not cure coughs and throat irritations.

On July 30, 1914, 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.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.