

9646. Misbranding of Dr. Burkhart's vegetable compound. U. S. * * * v. 288 Packages, et al., of Dr. Burkhart's Vegetable Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13104, 13105. I. S. Nos. 10102-t, 10103-t. S. Nos. W-633, W-635.)

On July 23, 1920, the United States attorney for the Western District of Washington, 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 329 packages, 25-cent size, 107 packages, 50-cent size, and 31 packages, \$1 size, of Dr. Burkhart's vegetable compound, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in part by W. S. Burkhart, Cincinnati, Ohio, and in part by the Block Drug Co., Brooklyn, N. Y., April 17, 1920, and July 9, 1919, respectively, and transported from the States of Ohio and New York, respectively, into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton, 25-cent and 50-cent sizes) "* * * recommended for Kidney and Liver Disease, Fever and Ague, Rheumatism, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, Indigestion, Neuralgia, Nervous Affection, Dyspepsia, * * * and all Syphilitic Diseases"; (carton, \$1 size) "Recommended for Blood Diseases, such as Rheumatism, Kidney and Liver Diseases, Fever and Ague, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, * * * Indigestion, Neuralgia, Nervous Affection, Dyspepsia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a pill consisting essentially of aloes, capsicum, and plant extractives, including a resin-bearing drug.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effect thereof, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 20, 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.

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

9647. Adulteration of canned salmon. U. S. * * * v. 1,248 Cases * * * and 28 Cans of * * * Alaska Pink Salmon. Consent decree of condemnation and forfeiture. Product delivered to State fish commissioner for fish food. (F. & D. No. 14115. I. S. No. 6548-r. S. No. W-826.)

On December 22, 1920, the United States attorney for the Western District of Washington, 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 1,248 cases, each containing 48 one-pound cans, and 28 cans of Alaska pink salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped from New Orleans, La., on April 28, 1920, and transported from the State of Louisiana into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, (can) "Alaska Pink Salmon Packed by Southern Alaska Canning Co., Seattle, U. S. * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed animal substance.

On February 28, 1921, the Southern Alaska Canning Co., a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the State fish commissioner for use in the State fish hatcheries.

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