

Misbranding was alleged for the reason that the above-quoted labeling was false and misleading and deceived and misled the purchaser when applied to long cranberry beans, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 2, 1921, the Morgan Packing Co., Austin, Ind., claimant, having admitted the allegations of the libel and having consented to decrees, judgments were entered finding that the product had been unlawfully shipped for sale in interstate commerce, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,900, in conformity with section 10 of the act, conditioned in part that the said product be relabeled as "Naga Uzura Kidney Beans," and that in the future the term "Kidney" be not used further than necessary to exhaust the stock of beans and labels on hand January 15, 1922.

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

**9686. Misbranding of grapes. U. S. \* \* \* v. Charles R. Brewer. Plea of guilty. Fine, \$25. (F. & D. No. 12315. I. S. Nos. 13169-r, 17330-r.)**

On June 29, 1920, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles R. Brewer, Starkey, N. Y., alleging shipment by said defendant, on or about October 3, 1919, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Massachusetts and the District of Columbia, respectively, of quantities of grapes which were misbranded.

Examination of the consignments by the Bureau of Chemistry of this department showed an average content of 2 pounds 9 ounces on 32 baskets taken from the shipment to Massachusetts and of 2 pounds 13 ounces on 121 baskets taken from the shipment to the District of Columbia.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 3 Lbs.," borne on the labels attached to the baskets containing the article, regarding the article, was false and misleading in that it represented that each of the said baskets contained 3 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the baskets contained 3 pounds net of the article, whereas, in truth and in fact, each of the said baskets did not contain 3 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 12, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

**9687. Misbranding of Robert J. Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiol tablets. U. S. \* \* \* v. 64 Packages \* \* \* of Robert J. Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal, and Apiol Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13307. I. S. No. 12379-t. S. No. C-2303.)**

On September 2, 1920, the United States attorney for the Southern District of Ohio, 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 64 packages, more or less, of Robert J. Pierce's Empress Brand tansy,

cotton root, pennyroyal, and apiol tablets, remaining unsold in the original packages at Columbus, Ohio, consigned by Robert J. Pierce, Inc., New York, N. Y., on or about June 23, 1920, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) “\* \* \* A Safe Emmenagogue, Always Reliable And Effective. The Best Known Remedy For The Suppression Of The Menstrual Function”; (circular) “\* \* \* The Celebrated Female Regulator \* \* \* Delayed Menstruation When the suppression is of long standing, \* \* \* take one \* \* \* until four days before the time when the menses should appear. \* \* \* immediately preceding the expected appearance of the menstrual flow, active treatment should begin. Take one \* \* \* three times daily, \* \* \* follow \* \* \* instructions \* \* \* until the desired result is obtained. \* \* \* Irregularities Where the menses are not regular, \* \* \* are invaluable. Take \* \* \* before the expected appearance of the menstrual period.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained aloes, ferrous sulphate, pennyroyal, and unidentified plant extractives.

It was alleged in substance in the libel that the article was misbranded in that by reason of the above-quoted statements on the label of the box and in the accompanying circular the said article purported to contain and be a cure for certain diseases, disorders, and symptoms, and the said statements were false and fraudulent in that the said article had little or no ingredients capable of producing the curative and therapeutic effect claimed.

On February 2, 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.*

**9688. Misbranding of Dr. Carey's Marsh Root. U. S. \* \* \* v. 61 Bottles \* \* \* of Dr. Carey's Marsh Root. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13772. I. S. No. 1441-t. S. No. C-2551.)**

On January 29, 1921, the United States attorney for the Southern District of Ohio, 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 61 bottles, more or less, of Dr. Carey's Marsh Root, consigned by the Carey Medical Corp., Rochester, N. Y., on or about August 24, 1920, remaining unsold in the original packages at Columbus, Ohio, alleging that the article had been shipped from Rochester, N. Y., and transported from the State of New York into the State of Ohio, 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 essentially of salicylates, aromatic oils, sugar, glycerin, a trace of unidentified alkaloid, water, and alcohol.

It was alleged in substance in the libel that the article was misbranded in that by reason of the following statements appearing on the carton and bottle containing the said article and in an accompanying circular, to wit, (carton) “\* \* \* The Marsh Root Prescription is indicated in the treatment of Bright's Disease (before casts are formed) Diabetes Kidney, Bladder and Urinary Troubles Disordered Liver, Stomach and Blood Diseases \* \* \* this wonderful remedy \* \* \* Is advocated for the treatment of Chronic and acute Kidney, Bladder Stomach, Liver and Urinary Diseases. \* \* \*