

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that each product contained iron sulphate, aloes, and an unidentified alkaloid.

Misbranding of the articles was alleged in substance in the libel for the reason that the above-quoted statements appearing on the label of the box containing the said articles, regarding the curative and therapeutic effect thereof, were false and fraudulent in that the said articles had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effect.

On May 3, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

**9839. Misbranding of Bick's nerve tonic. U. S. \* \* \* v. 9 Packages of Bick's Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14227. Inv. No. 24147. S. No. C-2727.)**

On February 7, 1921, the United States attorney for the Southern District of Mississippi, 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 9 packages of Bick's nerve tonic, remaining in the original unbroken packages at Brookhaven, Miss., alleging that the article had been shipped by the Palestine Drug Co., St. Louis, Mo., on or about April 1, 1919, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper) "\* \* \* Nerve Tonic \* \* \* one of the best \* \* \* treatments known for those nervous run-down conditions which cause so much mental worry. \* \* \* For the treatment of weak and irritated conditions of the nervous system \* \* \* manifested by \* \* \* poor appetite, feeling of weakness, despondency, lack of tone in the system of both sexes and lack of energy."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of two preparations, a brown sugar and calcium carbonate coated tablet containing phosphorus, phosphates, zinc, and iron and a yellow sugar and calcium carbonate coated pellet containing phosphate, iron, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof, appearing in the said wrapper, were false and fraudulent in that the said article had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effects.

On May 3, 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.*

**9840. Misbranding of butter. U. S. \* \* \* v. Charles W. Witwer, Joseph W. Tate, and Joseph E. Hefter (Centralia Butter Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 13892. I. S. Nos. 9260-r, 9261-r.)**

On January 17, 1921, the United States attorney for the Eastern District of Illinois, 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 W. Witwer, Joseph W. Tate, and Joseph E. Hefter, copartners, trading as the

Centralia Butter Co., Centralia, Ill., alleging shipment by said company, on or about March 8 and 10, 1920, respectively, in violation of the Food and Drugs Act, as amended, from the State of Illinois into the State of Missouri, of quantities of butter which was misbranded.

Examination by the Bureau of Chemistry of this department of samples from the respective shipments showed an average net weight of 15.5 ounces on 29 packages and 15.09 ounces on 30 packages, an average shortage of 3.1 per cent and 5.7 per cent, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of the said packages contained one pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained one pound net thereof, whereas, in truth and in fact, they did not contain one pound 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 May 9, 1921, a plea of guilty to the information was entered on behalf of the defendant concern, and the court imposed a fine of \$100 and costs.

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

**9841. Misbranding of Cadomene tablets. U. S. \* \* \* v. 4 Packages of Cadomene Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14216. Inv. No. 24837. S. No. E-3058.)**

On January 20, 1921, the United States attorney for the Middle 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 4 packages of Cadomene tablets, remaining unsold in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped by the E. J. Barry Co., New York, N. Y., on or about October 14, 1920, 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.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of zinc phosphid, strychnine, and iron salts.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its curative and therapeutic effects, appearing on the label of the bottle containing the said article and in the accompanying circular, to wit, (bottle) "\* \* \* Invigorating \* \* \* for the Treatment of \* \* \* Neurasthenia (Nerve Exhaustion), General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other symptoms due to \* \* \* Worry, Grief, Intemperance, Dissipation, Overwork, Mal-Nutrition, Convalescence from Influenza, etc. \* \* \*," (circular) "\* \* \* the benefits to be derived from their use, are such as to recommend them to all who may be afflicted with \* \* \* Neurasthenia, Nervous Exhaustion, General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other symptoms due to \* \* \* Worry, Grief, Intemperance, Dissipation, Mal-Nutrition, Overwork, etc. \* \* \* valuable for those who are despondent, nervous, irritable and unable to act naturally under the most ordinary circumstances \* \* \*," were false and fraudulent inasmuch as the