

per cent, whereas, in truth and in fact, the said article contained a less amount than 24 per cent of crude protein.

On September 24, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

**9969. Misbranding of Lung Germine. U. S. \* \* \* v. 2 Dozen Bottles of \* \* \* Lung Germine. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15092. I. S. No. 10903-t. S. No. W-989.)

On or about June 27, 1921, 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 2 dozen bottles of Lung Germine, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., March 7, 1921, and transported from the State of Michigan into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) “\* \* \* Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) \* \* \* Use no other lung medicines while using Lung Germine. Read carefully the circular accompanying this bottle \* \* \*”; (carton) “\* \* \* Use no other lung medicine when using Lung Germine. Read carefully the circular accompanying this bottle. \* \* \* Your Lungs Are They Weak or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germine in your home for immediate use at the first sign of Membranous Lung Disease or Bronchial Irritation. \* \* \* Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages) \* \* \*”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid, alcohol, and water, with small amounts of material derived from cod liver oil, iron sulphate, and spices.

Misbranding of the article was alleged in the libel for the reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding of the article was alleged for the further reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effects thereof, and other similar statements appearing in the booklet which accompanied the article were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 20, 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.*