

and injuriously affect its quality and strength and had been substituted in part for genuine cocoa, which the article purported to be, and for the further reason that the said article of food was mixed in a manner whereby damage and inferiority were concealed.

Misbranding of the article was alleged for the reason that the above-quoted statements, borne on the label, were false and misleading in that the statement, to wit, "My Own Pure Cocoa," was not sufficiently corrected by the inconspicuous statement "My own cocoa compound containing corn starch, sugar." Misbranding was alleged for the further reason that the foregoing statement deceived and misled the purchaser into the belief that the article of food was pure cocoa, whereas, in truth and in fact, the said article was not pure cocoa, but starch and sugar had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, genuine cocoa.

On March 5, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7715. Misbranding of D. D. D. Remedy for Eczema. U. S. * * * v. 7½ Dozen Bottles of Drugs Labeled in Part, "D. D. D. Remedy for Eczema" (Ordinary Strength) and 2 Dozen Bottles of Drugs Labeled in Part, "D. D. D. Remedy for Eczema" (Extra Strong), and U. S. * * * v. 6½ Dozen Bottles of Drugs Labeled in Part, "D. D. D. Remedy for Eczema." Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12265, 12266. I. S. Nos. 15517-r, 15515-r, 15516-r, 15518-r, 15519-r. S. Nos. E-2009, E-2010, E-2014, E-2015.)

On March 3, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 15½ dozen bottles of D. D. D. Remedy for Eczema, remaining unsold in the original unbroken packages at Baltimore, Md., consigned January 31, 1920, and January 24, 1920, alleging that the article had been shipped by the United Fig & Date Co. (D. D. D. Co.), Chicago, Ill., and transported from the State of Illinois into the State of Maryland, 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 a solution of phenol, salicylic acid, methyl salicylate, oil of sassafras, and chloral hydrate in alcohol and water.

Misbranding of the article was alleged in the libel in that statements contained in the labeling of the article, regarding the curative and therapeutic effects of the article, to wit, (ordinary strength, large-size carton) "D. D. D. Remedy for Eczema and Diseases of the Skin and Scalp. Eczema, Psoriasis, Pimples, Tetter, Salt Rheum, Dandruff, Ivy Poison, Hives, Itching Piles, * * * Itch, Barber's Itch, Dermatitis, Herpes, Sycosis," (ordinary strength, large-size bottle) "D. D. D. Prescription for the Skin and Scalp," (booklet) "D. D. D. The Lotion for Skin Diseases * * *. In nearly all instances D. D. D. gives relief at once * * *. It is indeed true that the first or second full size bottle will relieve the itch and will be found to be sufficient in the majority of cases of skin disease. In practically all cases the fourth or fifth or at the very most the sixth bottle will plainly indicate to the patient that he is on the road to recovery * * *. Continue the use of D. D. D. prescription until the desired results are obtained. * * * D. D. D. is a treatment. * * * The most

common forms of skin diseases successfully treated by D. D. D. Eczema (Salt Rheum), Tetter * * * Psoriasis * * * Barber's Itch * * * Sycosis * * * Acne * * * Dandruff * * * Hives, Nettle Rash * * * Plant Poison," (in the booklet 23 pages of testimonials which represent the preparation as a treatment or cure for eczema, "any of the many skin diseases," the "worst cases of skin diseases," "something like a cancerous growth," barber's itch, "Ichthyosis" (ichthyosis) psoriasis, scrofula), ordinary strength, smaller sizes, bottle) "D. D. D. Prescription for the Skin and Scalp * * * Pimples on the Face, Red Nose, Barber's Itch," (carton) "D. D. D. Remedy for Eczema and Diseases of the Skin and Scalp, Pimples on the Face, Red Nose, Barber's Itch, * * * Eczema, Psoriasis, Pimples, Tetter * * * Salt Rheum * * * Dandruff, Ivy Poison, Hives, Itching Piles * * * Itch, Barber's Itch, Dermatitis, Herpes, Sycosis," (circular) "To subdue eczema and skin diseases * * * Use D. D. D. the lotion for skin disease," (booklet same as that accompanying ordinary strength, large size), (extra strong, carton) "D. D. D. Remedy for Eczema and Diseases of the Skin * * * for cases of chronic dry eczema and psoriasis confined to the trunk of the body, arms, and legs, which do not respond to treatment with D. D. D. ordinary," (bottle) "D. D. D. prescription for the skin * * * prepared especially for chronic dry eczema and psoriasis," and the same statements in the circular and booklet accompanying the ordinary strength, smaller sizes, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed for the article.

On April 7, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the article be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7716. Adulteration and misbranding of canned tuna fish. U. S. * * * v. 232 Cases of Canned Tuna Fish. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 12132, 12133, 12134. I. S. Nos. 5-r, 7-r, 32-r, 34-r. S. No. E-1942.)

On February 4, 1920, the United States attorney for the Southern 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 a libel for the seizure and condemnation of 232 cases of canned tuna fish, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 27, 1919, by the Curtis Corporation, Long Beach, Calif., and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Curtis Quality Tuna Supreme Olive Oil * * * Pure Olive Oil * * *."

Adulteration of the article was alleged in the libel in that oils other than olive oil had been mixed and packed with, and substituted in part for, the article.

Misbranding of the article was alleged in that the packages and labels on the cans containing the article bore statements regarding the article and the ingredients and substances contained therein, to wit, "Curtis Quality Tuna Supreme Olive Oil * * *" and "Pure Olive Oil * * *," which were false and misleading and deceived and misled the purchaser. Further misbranding was alleged in the information in that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On June 15, 1920, the Curtis Corporation having appeared as claimant, consent decree of condemnation and forfeiture was entered, and the product was