

and cure of the ailments and diseases for which they were prescribed and recommended in the aforesaid statements.

On September 10, 1919, The Tarrant Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

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

8375. Misbranding of Santal Midy. U. S. * * * v. One Gross Bottles of Santal Midy Capsules. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 10671. I. S. No. 7177-r. S. No. C-1322.)

On or about June 27, 1919, 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 one gross bottles of a product, labeled in part "Santal Midy * * * Capsules Bottled in the New York Laboratories of Dr. Ph. Chapelle * * * L. Midy, Pharmacien De Ire Classe Maison Grimault & Cie., 8 rue Vivienne Paris," consigned by E. Fougere & Co., New York, N. Y., April 25, 1919, remaining unsold at Cincinnati, Ohio, alleging that the article had been 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 the contents of the capsules consisted of santal oil.

Misbranding of the article was alleged in substance in the libel for the reason that the package and label bore and contained statements regarding the curative or therapeutic effect thereof, to wit, "In the treatment of gonorrhœa, gleet, and discharges from the urinary organs * * * In gonorrhœa in the acute stage * * * inflammation of the bladder, * * * hemorrhage * * * in nearly every case of hematuria the frequency of micturition * * * suppurative nephritis * * * catarrh of the bladder * * * chronic catarrh of the bladder * * * vesical catarrh of old age * * * stricture of the urethra and congestion of the prostate * * * In acute cystitis * * * inflammation of the neck of the bladder * * * assists elimination of the uric acid * * *," which were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that said product was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the aforesaid statements. Misbranding was alleged for the further reason that the statements quoted in French, appearing on the bottle label, and similar statements on the wrapper, not sufficiently corrected by the statement, "Bottled in the New York Laboratories of Dr. Ph. Chapelle," in inconspicuous type, were false and misleading in that said statements indicated that the product was of foreign origin, whereas, in truth and in fact, it was a domestic product.

On March 15, 1920, E. Fougere & Co. Inc., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

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