

condemnation of 42 bottles of The Crossman Mixture, remaining unsold in the original packages at Macon, Ga., alleging that the article had been shipped by Wright's Indian Vegetable Pill Co., New York, N. Y., on or about May 15, 1919, and transported from the State of New York into the State of Georgia, 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 copaiba, oils of lemon, spearmint, and cassia, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements regarding the curative and therapeutic effects thereof, to wit, (wrapper and bottle label) "Recommended for the treatment not only of the active stages of simple Urethritis and of Gonorrhoea, but especially of subacute and chronic conditions, as Gleet," (circular) "* * * For Treatment of Gonorrhoea and Gleet * * * A cure * * * destroying all the germs of the disease * * * tending to prevent the complications and attending dangers * * *," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 3, 1920, 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.

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

S470. Misbranding of Milks Emulsion. U. S. * * * v. 14 Dozen Bottles, 4 Ounces Each, 10 Dozen Bottles, 8 Ounces Each, 18 Dozen Bottles, 4 Ounces Each, and 9 Dozen Bottles, 8 Ounces Each, of Milks Emulsion. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 11192, 11193. I. S. Nos. 2998-r, 3000-r. S. Nos. W-488, W-489.)

On or about September 22, 1919, the United States attorney for the Southern District of California, 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 14 dozen bottles, 4 ounces each, 10 dozen bottles, 8 ounces each, 18 dozen bottles, 4 ounces each, and 9 dozen bottles, 8 ounces each, of Milks Emulsion, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Milks Emulsion Co., Terre Haute, Ind., on May 21, June 12, June 3, and June 27, 1919, respectively, and transported from the State of Indiana into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cartons, both sizes) "A valuable remedy for Dyspepsia, Indigestion, Catarrh of the Stomach and Bowels * * * Coughs due to Sore Throat, Bronchitis or Pneumonia, Incipient consumption, Bronchial Asthma, Catarrhal Croup. * * * strengthens the digestive organs, * * * enriching the blood and increasing the flesh. It gives relief in curable Throat, Lung, Stomach, and Bowel Troubles, cleans and heals the afflicted parts and enables the machinery of the body to do its work properly, thus restoring strength and flesh and contributing to perfect health. Is very beneficial in incipient consumption, * * * Coughs due to Sore Throat, Bronchitis or Pneumonia, Bronchial Asthma, Dyspepsia, Indigestion, Catarrh of the Stomach and Bowels, * * * Especially Beneficial in the Ills of Children. It builds up their system, enriches their blood, improves the appetite, strengthens the throat, lungs and stomach, * * * Relieves catarrhal croup, and * * * will prevent it. * * *;" (booklet accompanying both sizes) "Consumption * * * in the treatment of tuberculosis of

the lungs, * * * Milks Emulsion contains a great amount of fat, * * * Milks Emulsion will start the accumulation of pus from the cavities * * * in ten to twenty-four hours. * * * the stomach and bowels put in a good healthy condition, thus enabling the patient to digest and assimilate his food, thereby building up the blood and tissue * * * combat the weakening effect of tuberculosis * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of petrolatum, with small amounts of glycerin, sirup, and essential oils.

Misbranding of the article was alleged in substance in the libel for the reason that the statement in the labeling thereof, "Milks Emulsion contains a great amount of fat," was false and misleading since said drugs contained no fat. Misbranding was alleged in substance for the further reason that the therapeutic effects claimed for said drugs on the cartons and in the booklet aforesaid were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 10, 1919, the Milks Emulsion Co., Terre Haute, Ind., claimant, having 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 \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

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

8471. Adulteration of oysters. U. S. * * * v. Benjamin J. Rooks (Benjamin J. Rooks & Son). Plea of nolo contendere. Fine, \$30. (F. & D. No. 11999. I. S. Nos. 12810-r, 12811-r.)

At the May, 1920, term of court, within and for the District of Rhode Island, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against Benjamin J. Rooks, trading as Benjamin J. Rooks & Son, Providence, R. I., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 13 and 14, 1919, from the State of Rhode Island into the State of Massachusetts, of quantities of oysters which were adulterated.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the oysters had been soaked with water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On June 18, 1920, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$30.

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

8472. Misbranding of cottonseed meal. U. S. * * * v. Valley Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12002. I. S. No. 7090-r.)

On April 20, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Valley Cotton Oil Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 26, 1918, from the State of Tennessee into the State of Illinois, of a quantity of cottonseed meal which was misbranded.