

For Babies \* \* \* This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc.," (in French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc." The circulars accompanying these bottles contained the following: (In English) "\* \* \* (For Babies) \* \* \* A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness, Recommended for babies and children when the process of dentition is painful," (in French) "\* \* \* For Babies \* \* \* A preparation for soothing pain in cases of Colic, Dysentery, Colds, and Chills (Refroidissements). Recommended for babies and children when dentition is painful and when wanting sleep." The remainder of the Sirop D'Anis was labeled in English upon the bottles: "For Babies. \* \* \* A preparation for soothing pain in cases of Colic, Dysentery, Coughs & Colds, recommended for babies and children when process of dentition is painful."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cough sirup consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water, and that the sirup of anise consisted essentially of morphine acetate, oil of anise, sugar, alcohol, and water.

It was alleged in substance in the libels that the articles were misbranded for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the articles, appearing upon the bottles, wrappers, and circulars, were false and fraudulent for the reason that the products contained no ingredients or combination of ingredients capable of producing the effects claimed.

On May 31, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**9433. Misbranding of Tratamiento Zendejas. U. S. \* \* \* v. 6 Bottles and 180 Bottles \* \* \* of Tratamiento Zendejas. Tried to the court. Verdict for the Government. Product ordered destroyed.**  
(F. & D. Nos. 12566, 12577. I. S. Nos. 5004-r, 5006-r. S. Nos. W-591, W-595.)

On April 7 and April 8, 1920, the United States attorney for the District of Arizona, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 6 bottles and 180 bottles, more or less, respectively, of Tratamiento Zendejas, remaining in the original unbroken packages at Tucson and Phoenix, Ariz., respectively, and on April 19, 1920, the said United States attorney filed an amended libel with respect to the 6 bottles of the product, alleging that the article had been shipped by Panfilo Zendejas, Los Angeles, Calif., on or about March 13 and March 23, 1920, respectively, and transported from the State of California into the State of Arizona, 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 an aqueous solution containing potassium iodid, sugar, and plant extractives.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, regarding the curative and therapeutic effects of the said article, appearing on the label attached to the bottles containing the article, on the wrapper around the said bottles, and in accompanying folders, to wit, (bottle, in Spanish) "Tratamiento Zendejas A Strong Purifier of the Blood For Rheumatism, Constipation, Kidney Troubles,

Eczema," (in English) "A Blood Depurator For Rheumatism, Constipation, Kidney Troubles, Eczema," (sticker on wrapper) "Diabetic patients will have to take the medicine straight or with the amount of sugar prescribed by their doctor," (light gray folder in Spanish) "Zendejas Treatment for Men, Women and Children. Strong purifier of the blood \* \* \* Patients suffering from tumors, ulcers, eruptions and all kinds of suppurated manifestations \* \* \* those who suffer from suppurations whether tumors, scrofulas, wounds, fistulas, etc., etc. \* \* \* the Zendejas Treatment removes all these impurities from the blood \* \* \* During the treatment with Zendejas Treatment no other medicine should be taken \* \* \* To those suffering from rheumatism \* \* \* pains will disappear in the first days not to appear again \* \* \* If the teeth have become loose on account of mercury taken by the patient \* \* \* As \* \* \* the Treatment works with such rapidity that their pains disappear \* \* \* they should not believe \* \* \* they are already safe but should continue the treatment until a cure is obtained. The treatment to be complete should be \* \* \* without interruption until 10, 12 or 15 bottles have been taken \* \* \* If the disease \* \* \* is paralysis, loss of sight, chronic rheumatism, or extremely large or deep ulcers, a greater number of bottles should be taken," (light green folder, in Spanish) "Zendejas Treatment Strong Purifier of the Blood. For all sexes For all ages. \* \* \* is notably antagonistic to some germs \* \* \* it makes it unnecessary for the patients to incur the expense of consulting physicians \* \* \* No disturbance of the digestion and no loss of appetite \* \* \* the Zendejas Treatment has the same effect on the blood as a purgative or laxative on the digestion. On account of its composition the Zendejas Treatment acts as a very strong purifier of the blood; as the most active regenerator of the nutritive fluid, as the most energetic reconstituent which may create well being and hope in a large number of patients whose depressed and sad appearance is a sure sign of constant disturbances in the digestive apparatus, impoverishment of blood and lack of nervous energy \* \* \* the most assimilable and eliminable medicine for all impurities of the blood \* \* \* the inventor is able to recommend this medicine with so much confidence being convinced that so far none has given such good results with blood diseases of all kinds and diseases of secondary order such as anemia, chlorosis, jaundice and some skin diseases. \* \* \* diseases originating from impurity of the blood \* \* \* pimples, headache (acute pain in head), dyspepsia, intestinal irregularities produced by the use of mercury, eczema, epilepsy or fits, insomnia, sores, lack of respiration, memory, sleep, and appetite, poor digestion, constipation, seasickness, neurasthenia, rheumatism, suppuration of the eyes or ears, tumors, scrofula, fatigue caused by overwork, wounds, suppurating fistulas and tumors which do not heal, some diseases of the sight, nervous affections, paralysis, lack of blood circulation, sleeping of the arms, legs or other parts of the body \* \* \* the cause of all these diseases is a single one \* \* \* the cause of the diseases for which the Zendejas Treatment is used is impurity of the blood; the effects are the diseases mentioned. If the blood is purified, all these diseases will disappear," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 21, 1921, the case against the 6 bottles of the product, at Tucson, came on for trial before the court, the claimant, Panfilo Zendejas, Los Angeles, Calif., having entered into a stipulation with the Government that the decision in this case should also be the decision in the case against the 180 bottles at Phoenix. After the submission of evidence and arguments by counsel, a decision in favor of the Government was handed down, as will more fully

and at large appear from the following memorandum opinion (Sawtelle, *D. J.*):

In this case the government seeks to condemn 6 bottles of *Tratamiento Zendejas*, and the libel alleges that the same were branded and shipped by the claimant herein in interstate commerce in violation of the Act of June 30th, 1906, as amended by the Act of August 23rd, 1912 (Section 8724, Compiled Statutes 1913). This act provided: "That for the purpose of this Act an article shall be deemed to be misbranded: In case of Drugs \* \* \* Third, If its package or label shall bear or contain any statements, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent."

The claimant admits that he printed and published the statement contained in the circular and labels and also admits the interstate shipment, but expressly denies that such statements were false and fraudulent.

A careful reading of the evidence convinces me that the statement which accompanied the packages in question were made and published by the claimant with the intent to deceive and that the representations therein made with respect to the curative or therapeutic effects of the mixture contained in the bottles and packages were knowingly false and fraudulent.

*U. S. v. Eckmons*, 239 U. S. 510.

*Bradley v. U. S.*, 264 Fed. 799. C. C. A.

*McLean Medicine Co. v. U. S.*, 263 Fed. 694.

A judgment may be entered for the libellant.

On or about May 20, 1921, the case having come on for final disposition, it was ordered by the court that the product be destroyed by the United States marshal, and that the claimant pay the costs of the proceedings.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*

**9434. Misbranding of tankage. U. S. \* \* \* v. 16 Sacks \* \* \* of Tankage. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13218. I. S. No. 3405-t. S. No. C-2079.)

On August 14, 1920, the United States attorney for the District of Minnesota, 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 16 sacks, more or less, of tankage, remaining in the original unbroken packages at Ivanhoe, Minn., alleging that the article had been shipped by Geo. P. Sexauer & Son, Brookings, S. D., on or about March 27, 1920, and transported from the State of South Dakota into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "100 lbs. Net Decker's Protodol Sterilized Digester Tankage, guaranteed analysis protein 60 per cent, bone building phosphate 10 per cent, fat 8 per cent, fiber 4 per cent Jacob E. Decker and Sons, Mason City, Iowa."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 50.27 per cent of protein.

Misbranding of the article was alleged in the libel for the reason that the statement regarding the quantity of protein in said article, to wit, "Protein 60 per cent," was false and misleading and deceived and misled the purchaser.

On December 11, 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.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*

**9435. Misbranding of Parry's Vegetable Compound. U. S. \* \* \* v. Certain Bottles of Parry's Vegetable Compound Nos. 1 to 14, inclusive. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 13762. I. S. Nos. 8247-t to 8260-t, inclusive. S. Nos. E-2800 to E-2813, inclusive.)

On October 7, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District