

condemnation of 9 boxes and 8 packages of 999 nerve tonic, and 9 boxes of Prescription 999, at Columbus, Ohio, alleging that the articles had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., in various consignments, on or about April 16, July 21, and November 17, 1927, respectively, and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The 999 nerve tonic was labeled in part: "The ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders." A portion of the said 999 nerve tonic was accompanied by a display carton, labeled in part: "999 Nerve Tonic, means pep, vim, vigor. 999 Nerve Tonic is a high-class remedy for any one with that tired, rundown feeling. It is especially suited for those cases where the person doesn't have the pep they think they should have." The Prescription 999 was labeled in part: "Recommended for kidney and bladder disorders. This medicine is a combination of oil sandalwood, oil cubebs, copaiba, and other valuable vegetable oils which are known to give the best results in treating the disease for which this medicine is intended. \* \* \* After all signs of the disease have disappeared."

Analyses of samples of the articles by this department showed that 999 nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of plant drugs, including nux vomica and damiana, and that Prescription 999 consisted essentially of volatile oils, including nutmeg, santal, and cubeb oils, copaiba balsam, and a fatty oil.

It was alleged in the libels that the articles were misbranded in that the statements contained in the said labels and in the said display carton accompanying the 999 nerve tonic were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On May 24, 1928, no claimant having appeared for the property, judgments were entered finding the products liable to condemnation, and it was ordered by the court that they be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15824. Misbranding of Double O. U. S. v. 1 Dozen Large-Size Bottles of Double O, et al. Default decree of destruction entered. (F. & D. No. 22343. I. S. No. 13094-x. S. No. 402.)**

On January 4, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 dozen large-size bottles and 3 small-size bottles of Double O, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Red Star Laboratories Company, from Chicago, Ill., on or about April 18, 1927, and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of resins, such as those from buchu and copaiba, extracts from plant drugs, volatile oils, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the cartons bore labels and contained circulars, in which appeared the following statements regarding the curative and therapeutic effects of the said article, which were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Circular contained in shipping package) "Your most wonderful medicine 'Double O' of which I have taken for gonorrhoea is certainly a marvel. \* \* \* Our preparation is today recognized as the most dependable product in this line \* \* \* until we entered the field nothing has been offered which invariably would bring the desired relief to those who need it in new as well as in chronic cases;" (carton) "An absolutely safe Internal Medicine;" (circular headed "Don't Let Them Fool You") "The medicine which is now known and acknowledged the best, the safest, and the most satisfactory in every respect \* \* \* Our duty to You—To supply you with the Best which experience and scientific knowledge can produce. Your duty to Yourself—To regain your former status of health."

On March 17, 1928, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*