

12557. Adulteration and misbranding of canned oysters. U. S. v. 9 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16732. I. S. No. 30-v. S. No. E-4115.)

On August 10, 1922, the United States attorney for the Northern 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 praying the seizure and condemnation of 9 cases of oysters at Albany, N. Y., alleging that the article had been shipped by the Hilton Head Packing Co. from Savannah, Ga., on or about July 5, 1922, and transported from the State of Georgia into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Hilton Head Brand Oysters Contains 5 Oz. Oyster Meat * * * Packed by Hilton Head Packing Co. Office: Savannah, Ga. * * * 5 Oz. Oysters."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for oysters represented to be contained in the packages.

Misbranding was alleged for the reason that the statements, "Oysters Contains 5 Oz. Oyster Meat" (with designs showing open oyster) "5 Oz. Oysters," were false and misleading and deceived and misled the purchaser, for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1923, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12558. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 17928. I. S. No. 11395-v.)

On January 22, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Denver, Colo., alleging shipment by said company, in violation of the food and drugs act, as amended, on or about April 3, 1923, from the State of Colorado into the State of New Mexico, of a quantity of butter which was misbranded. The article was labeled in part: "Brookfield Creamery Butter 1 Lb. Net Weight * * * Swift & Company, U. S. A."

Examination of 96 packages of the article by the Bureau of Chemistry of this department showed that the average net weight of the packages examined was 15.54 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the said article, was false and misleading in that the said statement represented that each of said packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 8, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12559. Misbranding of Arthur's emmenagogue pills, Thomas' emmenagogue pills, La Derma Vagiseptic discs, Bick's nerve tonic. Arthur's Sextone pills, Bick's Daisy 99, Bick's sarsaparilla compound, and Bick's Sextone pills. U. S. v. 15 Boxes of Arthur's Emmenagogue Pills, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15338. S. Nos. C-3168 to C-3174, incl.)

On August 26, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 boxes of Arthur's emmenagogue pills, 19 boxes of Thomas' emmenagogue pills, 8 boxes of La Derma Vagiseptic discs, 16 boxes

of Bick's nerve tonic, 16 boxes of Arthur's Sextone pills, 5 bottles of Bick's Daisy 99, 7 bottles of Bick's sarsaparilla compound, and 11 boxes of Bick's Sextone pills, remaining in the original packages at Cleburne, Texas, consigned between the dates of September 15, 1917, and August 16, 1920, alleging that the articles had been shipped by the Palestine Drug Co. from St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Arthur's and Thomas' emmenagogue pills, boxes) "Emmenagogue Pills recommended for Ammenorrhoea, Dysmenorrhoea and other Menstrual Troubles, * * * beginning treatment * * * before the regular monthly period * * * continue * * * until relief is obtained"; (LaDerma Vagiseptic discs) (package) "for * * * Amenorrhoea and other Uterine and Vaginal Disorders," (circular) For * * * Amenorrhoea * * * Ulceration of the Uterus and Catarrh of the Uterus * * * Gonorrhoea"; (Bick's nerve tonic, package) "Nerve Tonic * * * for Nervous Prostration and bodily aches and pains. * * * a nerve * * * tonic * * * for all female complaints * * * for Weakness, Nervousness, Headache, Kidney Trouble and loss of Power in either Sex * * * for female weakness, heart trouble and where a general breakdown of the nervous system exists"; (Arthur's Sextone pills) (package) "Designed to Correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. * * * Sextone Tablets For Either Sex Composed of * * * the Most Potent and Dependable Aphrodisiac Agencies," (circular) "Sextone Tablets * * * cases of exhaustion of nervous energy * * * stimulate * * * the Sexual Plexes * * * nourish the nervous system and build it up"; (Bick's Daisy 99, package) "Bick's Daisy 99 * * * Gonorrhoea Gleet and functional ailments of the Kidneys and Bladder in both Male and Female"; (Bick's sarsaparilla compound) (bottle) "to be taken regularly as long as impurity exists in the blood * * * one of the best remedies in existence for purposes claimed. Remember that constitutional diseases or diseases of long standing cannot be cured in a week or so by any remedy," (wrapper) "for the Treatment of all Diseases due to Impure Blood such as chronic rheumatism, secondary syphilis, scrofula, pimples, boils, Etc * * * is especially and specifically designed to give the greatest possible benefit in the treatment of diseases due to impure and impoverished blood"; (Bick's Sextone pills) "Sextone Pills * * * Composed of * * * Aphrodisiac Agencies."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the La Derma Vagiseptic discs contained salt, alum, starch, milk sugar, and talc; that Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; that Arthur's Sextone tablets contained iron oxide, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; that Arthur's emmenagogue pills, Leslie's emmenagogue pills, and Thomas' emmenagogue pills contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink; that Bick's Sextone pills consisted of two products—chocolate-colored pills containing a small amount of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxide, and 7 per cent of powdered talc, and orange-colored tablets containing 31 per cent of metallic iron, 11 per cent of calcium carbonate, extract of nux vomica, and sugar; that Bick's Daisy 99 consisted essentially of extracts of plant drugs, including cascara sagrada and buchu, sodium acetate, alcohol, and water; and that Bick's sarsaparilla compound contained less than 1 per cent of sodium salicylate, 0.7 per cent of potassium iodide, extracts of plant drugs, including sarsaparilla and a laxative drug, sugar, alcohol, and water.

Misbranding of the articles was alleged in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent in that the said products contained no ingredient or combination of ingredients capable of producing the said therapeutic effects.

On February 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*