

27, 1924, an amended libel, praying the seizure and condemnation of 66 packages of a drug product labeled "D. O. D.," remaining in the original unbroken packages at Milwaukee, Wis., alleging that on September 17, 1923, the C. Nelson Smith Co., of Milwaukee, Wis., delivered the said article for shipment in interstate commerce from the State of Wisconsin into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Label and carton) "Guaranteed when used according to directions to relieve any disease caused by poison or Bacteria or money refunded;" (label) "D O D * * * invaluable in treating a great many different kinds of diseases. It Kills All Poison in the human system;" (carton) "Kills All Poison In The Human System * * * Gangrene * * * Eczema * * * Rashes and other Skin Diseases; * * * Dyspepsia Dysentery Cholera Morbus Indigestion Colic Pyorrhea * * * Colds Sore Throat Bronchitis Catarrh Hay Fever Grippe Influenza, etc;" (circular) "A remedy has been discovered that will kill poison and bacteria in the human system, wherever it can be reached, regardless of the disease—and that remedy is D O D * * * provides permanent relief to sufferers from every disease that is caused by poison * * * most all diseases are caused by poison in the human system * * * taken internally will kill the poison in the stomach and bowels which is responsible for * * * Dyspepsia, Dysentery, Colic, Cholera Morbus, Ulcers, Ptomaine Poison and many other kindred ailments * * * Gangrene, * * * Eczema, Piles * * * Rashes * * * and other skin diseases * * * D O D when brought to steam or vapor and inhaled will kill the bacteria and poison in the nasal ducts, throat, bronchial tubes, and lungs, thereby giving almost immediate relief from Colds, Sore Throat, Bronchitis, Catarrh, Hay Fever, Grippe, Headache and Influenza. By killing the poison which causes these diseases, nature will quickly restore the affected parts to normal strength. * * * Diabetes * * * D O D * * * twice daily * * * Continue this treatment for at least 20 days and then note improvement. * * * Shingles * * * Barbers Itch * * * Dandruff * * * Asthma * * * continue until recovery is complete * * * heal all kinds of skin diseases * * * when sprayed in fine mist it kills all germs in the air * * * use a solution of ½ teaspoonful of D O D with one gallon of water. Diabetic gangrene * * * stomach troubles."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of 94 per cent of sodium bicarbonate and 6 per cent of potassium permanganate.

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

On May 28, 1924, C. Nelson Smith Co., Milwaukee, Wis., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the 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.

W. M. JARDINE, *Secretary of Agriculture.*

12856. Misbranding of Mazola. U. S. v. 25 Cases and 5½ Cases of Mazola. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18227, 18228. I. S. Nos. 17637-v, 17639-v. S. No. C-4249.)

On January 12, 1924, the United States attorney for the Eastern District of Wisconsin, 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 30½ cases of Mazola, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Corn Products Refining Co., Argo, Ill., on or about December 1, 1923, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "37½ Lbs. Net Mazola * * * Corn Products Refining Co. Gen'l. Offices, New York, U. S. A."

Misbranding of the article was alleged in the libel for the reason that it was [food] in package form and failed to bear a plain and conspicuous statement of the quantity of the contents.

On February 15, 1924, the Corn Products Refining Co., Argo, Ill., having entered an appearance as claimant for the property and having admitted the

material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the 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.

W. M. JARDINE, *Secretary of Agriculture.*

12857. Adulteration and misbranding of butter. U. S. v. 13 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18936. I. S. No. 12661-v. S. No. E-4931.)

On September 2, 1924, the United States attorney for the District of Maryland, 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 13 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Schlosser Bros., from Indianapolis, Ind., and transported from the State of Indiana into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance containing excessive water and deficient in fat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 22, 1924, Schlosser Bros., Indianapolis, Ind., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to raise the percentage of butterfat to not less than 80 per cent.

W. M. JARDINE, *Secretary of Agriculture.*

12858. Misbranding of assorted jellies. U. S. v. 76 Cases of Assorted Jellies. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17435. I. S. Nos. 4002-v, 4005-v, 4007-v, 4008-v. S. No. C-3958.)

On April 2, 1923, the United States attorney for the Eastern District of Wisconsin, 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 76 cases of assorted jellies, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Lakeside Preserving Co., Chicago, Ill., in part January 18, and in part January 25, 1923, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Silver Buckle Brand Apple and Strawberry" (or "Apple and Currant" or "Apple and Raspberry" or "Apple and Grape") "Jelly."

Adulteration of the article was alleged in the libel for the reason that the products were acidified pectin jellies artificially colored and pectin had been mixed and packed with said products so as to reduce and lower and injuriously affect their quality and strength and acidified artificially colored pectin jellies had been substituted in whole or in part for said articles.

Misbranding of the articles was alleged in the libel for the reason that the statements appearing in the labeling, "Jelly Apple and Grape," or "Apple and Currant," "Apple and Raspberry," "Apple and Strawberry," as the case might be, were false and misleading and deceived and misled the purchaser.

On May 13, 1924, the Lakeside Preserving Co., Chicago, Ill., claimant, having admitted the product to be misbranded and having consented to the entry of a decree judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*