13098. Misbranding of Dr. Sayman's wonder herbs. U. S. v. 9 Packages of Dr. Sayman's Wonder Herbs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19100. I. S. No. 23151-v. S. No. C-4519.)

On or about November 6, 1924, the United States attorney for the District of Kansas, 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 packages of Dr. Sayman's wonder herbs, at Wichita, Kans., alleging that the article had been shipped by the T. M. Sayman Products Co., from St. Louis, Mo., on or about January 23, 1924, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tin box) "Sayman's Wonder Herbs A Blood Medicine * * * A Boon For Suffering Women * * * Guaranteed," (carton) "Sayman's Wonder Herbs A Blood Medicine * * * Regulates the Liver and Kidneys, cleanses the Blood, and aids Digestion For * * * Dyspepsia, Loss of Appetite * * * Sick Headache * * * LaGrippe, Chills and Fever, Intermittent or Remittent Fever, Weak or Impaired Kidneys, Biliousness, Nervousness, Impure Blood, Rheumatism, Scrofula, Syphilitic Taints, Female Complaints and Blood Poison * * * Beneficial to Women suffering from those ailments peculiar to their sex. A valuable treatment for LaGrippe, and its after effects, Malaria, Chills, Fever or Ague, and all diseases arising from an impure or impoverished condition of the blood. * * * disorders of the stomach, liver, and kidneys," (circular) "The Bitter that is needed for the Blood and the Gall Bladder is furnished through the medium of Sayman's Wonder Herbs, the greatest Blood and Liver Medicine ever compounded. * * * an effective Blood Medicine," (retail price list) "for the blood, stomach, liver and kidneys."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the article consisted essentially of a mixture of sodium bicarbonate and powdered ginger, gentian, rhubarb, licorice, cascara sagrada, buchu, senna, mandrake, and buckthorn.

Misbranding of the article was alleged in the libel for the reason that the statement on the tin box containing the article "Composed Of Roots, Herbs, And Barks" and the statement on the circular "All Herbs" were false and misleading, in that sodium carbonate or bicarbonate was one of the ingredients of the said article. Misbranding was alleged for the reason that the above-quoted statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 15, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13099. Adulteration of butter. U. S. v. 3 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18867. I. S. No. 20395-v. S. No. W-1527.)

On or about July 17, 1924, the United States attorney for the Northern 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 praying the seizure and condemnation of 3 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Merrill Creamery, Klamath Falls, Oreg., July 7, 1924, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, milk fat, had been wholly or in part abstracted therefrom.

On January 7, 1925, Wilsey Bennet Co., San Francisco, Calif., having appeared as claimant for the property 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 $500, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*