14222. Misbranding of Nau's dyspepsia remedy. U. S. v. 35 Packages of Nau's Dyspepsia Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20531. I. S. No. 788–x. S. No. W–1801.)

On October 22, 1925, 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 35 packages of Nau's dyspepsia remedy, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Frank Nau, from Portland, Oreg., October 13, 1925, and transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was shipped in cartons each containing a bottle of liquid and a box of tablets.

Analysis by the Bureau of Chemistry of this department of samples of the tablets showed that they were composed essentially of bismuth subnitrate, cane sugar, and milk sugar, flavored with ginger and peppermint oil; analysis by the said bureau of a sample of the liquid preparation showed that it was composed essentially of extracts of plant drugs including golden seal and licorice, glycerin, alcohol and water.

Misbranding of the article was alleged in the libel for the reason that the following statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, liquid)" Dyspepsia Remedy For Chronic Stomach Troubles. For Diseases Of The Stomach Only. Dyspepsia, Indigestion * * * Dilatation [Dilation], Ulceration and Catarrh of the Stomach. * * * take it * * * until entirely cured," (box label) "Dyspepsia Remedy Tablets To Be Taken * * * With The Liquid Medicine To Assist In Relieving Stomach Troubles, Dyspepsia, Indigestion. * * * Dilatation [Dilation], Ulceration and Catarrh Of The Stomach," (carton) "Dyspepsia Remedy * * * For Chronic Stomach Troubles * * * For Diseases Of The Stomach Only. Dyspepsia * * * Dilatation, [Dilation] Ulceration, and Catarrh of the Stomach * * * For Severe And Long Standing Stomach Troubles * * * For Stomach Troubles Indicated By * * * Returning Of Food Into Mouth, Gnawing At Pit of Stomach, * * * Bloated Feeling, Coated Tongue, Headache, Pain In Stomach, Dizziness, Etc. * * * For Chronic Cases."

On February 2, 1926, 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. F. MARVIN, *Acting Secretary of Agriculture.*

14223. Adulteration of butter. U. S. v. 16 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20913. I. S. No. 10606–x. S. No. W–1901.)

On or about February 18, 1926, 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 16 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Portland, Oreg., February 5, 1926, 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 butterfat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, namely, butterfat, had been in part abstracted.

On March 2, 1926, Swift & Co. 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 $468, conditioned in part that it be made to conform with the provisions of the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*