

On October 11, 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.

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

12046. Misbranding of digester tankage. U. S. v. Rogers By-Products Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 17133. I. S. Nos. 3857-v, 3858-v, 3859-v, 13655-t.)

On July 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rogers By-Products Co., a corporation, trading at Aurora, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about June 30, July 3, and July 6, 1922, respectively, from the State of Illinois into the State of Iowa, and on or about March 30, 1922, from the State of Illinois into the State of Indiana, of quantities of digester tankage which was misbranded. A portion of the article was labeled in part: "Hyklass * * * Digester Tankage Guaranteed Analysis Protein 60% * * * Made By Rogers By-Products Co. Aurora, Ill." The remainder of the said article was labeled in part: "The Rogers By-Products Company, of Aurora, Ill., Guarantees this Hyklass Digester Tankage to contain not less than * * * 60.0 per cent. of crude protein."

Analyses by the Bureau of Chemistry of this department of a sample taken from each of the four consignments of the product showed that it contained less protein than declared on the labels, the said samples containing approximately 51.30, 52.41, 54.91, and 55.56 per cent, respectively, of protein.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 60%," "Protein 60%," and "The Rogers By-Products Company, of Aurora, Ill., Guarantees this Hyklass Digester Tankage to contain not less than * * * 60.0 per cent. of crude protein," borne on the labels of the sacks containing the respective consignments of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 60 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein, whereas, in truth and in fact, the said article did contain less than 60 per cent of protein, the said consignments containing approximately 51.30, 52.41, 54.91, and 55.56 per cent, respectively, of protein.

On November 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

12047. Misbranding of Syrup Leptinol. U. S. v. 32 Bottles of Syrup Leptinol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16089. S. No. C-3509.)

On April 10, 1922, the United States attorney for the Northern District of Illinois, 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 32 bottles of Syrup Leptinol, at Chicago, Ill., alleging that the article had been shipped by the Balsamea Co., from San Francisco, Calif., on or about December 5, 1921, and transported from the State of California into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extract of *Leptotania dissecta*, sugar, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its curative or therapeutic effects, appearing on the bottle containing the said article and in the accompanying wrapper and booklet, (bottle and wrapper) "Indicated In Pulmonary Tuberculosis, Epidemic Influenza, Pneumonia * * * Bronchial Asthma, Whooping Cough," (booklet) "Indicated In Pulmonary Tuberculosis Influenza Pneumonia Bronchial Asthma * * * Whooping Cough Laryngitis," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that the said article was

effective as a remedy for the several diseases, ailments, and afflictions mentioned in the labeling.

On January 7, 1924, 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.*

12048. Misbranding of Smith's buchu lithia pills. U. S. v. 132 Boxes of Smith's Buchu Lithia Pills, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17953, 17954. S. Nos. E-4531, E-4532.)

On November 7, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 202 boxes of Smith's buchu lithia pills, at Philadelphia, Pa., consigned by C. F. Smith, from Boston, Mass., alleging that the article had been shipped from Boston, Mass., in part on or about September 17 and in part on or about September 18, 1923, and transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was an iron oxide-coated pill containing powdered licorice, extracts of plant drugs, including uva ursi and podophyllum, sodium, potassium, lithium and magnesium compounds, including nitrate and citrate, and soap.

Misbranding of the article was alleged in substance in the libels for the reason that the labeling contained the following statements, designs, and devices regarding the curative or therapeutic effects of the said article, (box and circular) "For Rheumatism And All Diseases Of The Kidneys, Blood And Urinary Organs. Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Gravel, Stone in the Bladder, Pain in Back, Lumbago, etc., Sleeplessness, Nervousness, Female Complaints and Irregularities And all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent," (circular) "a specific for Rheumatism and all diseases of the Kidneys and Bladder. * * * by removing the cause * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia * * * and a long train of diseases. * * * They cure rheumatism, because they cure the kidneys * * * 'permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble * * * sure cure for kidney trouble * * *.' * * * the best remedy for weak kidneys * * *.' * * * recommend them to any one with suppression or stoppage of urine.' * * * For Backache, Inflammation of the Kidneys * * * Bladder * * * Dropsy, Whites or Leucorrhoea * * * Loss of Sleep, Lost Vitality, Painful Menstruation * * * Catarrh of the Bladder Incontinence of Urine or Inability to Hold Water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood. * * * permanent cures will certainly be the result. * * * If your case is chronic continue their use * * * they will cure any case," which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On November 27, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

12049. Adulteration of butter. U. S. v. 176 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18163. I. S. No. 15910-v. S. No. E-4642.)

On December 14, 1923, the United States attorney for the Southern 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 176 tubs of butter, at New York, N. Y., alleging that the article had been shipped by Cromer-Brown, Inc., from Chicago, Ill.,