

was an imitation of and was offered for sale under the distinctive name of another article, namely, soluble saccharin.

On March 3, 1922, 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, *Acting Secretary of Agriculture.*

12066. Misbranding of DeWitt's kidney and bladder pills. U. S. v. 4 Dozen Large Bottles, et al., of DeWitt's Kidney and Bladder Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17879. I. S. No. 6716-v. S. No. C-4138.)

On October 27, 1923, the United States attorney for the Eastern District of Missouri, 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 4 dozen large bottles and 9 dozen small bottles of DeWitt's kidney and bladder pills, at St. Louis, Mo., alleging that the article had been shipped by E. C. DeWitt & Co., Chicago, Ill., on or about September 5, 1923, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Kidney & Bladder Pills For Weak Kidneys, Inflammation of the Bladder, Scalding Urine and Backache, due to certain kidney disorders;" (carton) "Kidney And Bladder Pills For Inflammation of the Kidneys and Bladder, Scalding * * * Urine, too frequent desire to urinate and Backache due to Inflamed Kidneys. * * * Kidney Complaints;" (circular) "Kidney & Bladder Pills * * * for the Kidneys, the Bladder * * *. For Certain Forms of Rheumatism and Pains in the Back * * * Too Frequent Desire to Urinate, Aching Limbs, Burning Sensation, Backache, due to Certain Forms of Kidney Trouble, Irritation of the Bladder. * * * Bed-Wetting * * * (Enuresis) * * * irritations and obstructions or malformations in the urinary organs; long, narrow foreskin; irritation in rectum * * * worms; strong urine; weakness of bladder muscles * * * Weak, Sickly Kidneys * * * act as an antiseptic."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of methylene blue, potassium nitrate, and plant material, including a volatile oil such as juniper oil.

Misbranding of the article was alleged in the libel for the reason that the statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 30, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12067. Adulteration and misbranding of butter. U. S. v. Du Quoin Bottling Co., a Corporation. Plea of guilty. Fine, \$250 and costs. (F. & D. No. 16217. I. S. No. 1238-t.)

On May 15, 1922, the United States attorney for the Eastern 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 Du Quoin Bottling Co., a corporation, Du Quoin, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 7, 1921, from the State of Illinois into the State of Missouri, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Perfection Brand Butter Pure Sanitary Fresh One Pound Net * * * Manufactured by Du Quoin Bottling Company Du Quoin, Ill."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said article was deficient in butterfat and contained excessive moisture. Examination by said bureau showed that 3 prints averaged 0.958 of a pound.

Adulteration of the article was alleged in the information for the reason that a mixture deficient in butterfat and containing an excessive amount of water had been substituted in whole or in part for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net," borne on the packages containing the article, regarding the said article and the substance contained therein, were false and misleading, in that they represented that the article consisted wholly of butter and that each

of said packages contained 1 pound net of the said article, 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 consisted wholly of butter and that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, it did not consist wholly of butter but did consist of a mixture deficient in butterfat and contained an excessive amount of water, and each of said packages did not contain 1 pound net of the article 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 December 4, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12068. Misbranding of Foley kidney pills. U. S. v. 9 Bottles, et al., of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18047. I. S. No. 6715-v. S. No. C-4182.)

On November 14, 1923, the United States attorney for the Eastern District of Missouri, 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 large bottles and 9 dozen small bottles of Foley kidney pills, at St. Louis, Mo., alleging that the article had been shipped by Foley & Co., Chicago, Ill., on or about September 25, 1923, and transported from the State of Illinois into the State of Missouri, 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 pills consisted essentially of potassium nitrate, methylene blue, hexamethylene tetramine, and plant products, including resin and a volatile oil such as juniper or turpentine oil.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding its curative and therapeutic effects, (bottle, carton, and circular) "Kidney Pills For Irritation [circular, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "kidneys * * * weakened by disease * * * inflamed and congested * * *. In addition to taking Foley Kidney Pills, we offer a few simple, but practicable [practical] suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * *. 2nd—The bowels must be kept active * * *. 3rd—The diet is of great importance. * * * Satisfaction Guaranteed," were false and fraudulent, since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On January 30, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12069. Adulteration and misbranding of apples. U. S. v. 86 Barrels of Apples. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18195. I. S. No. 10545. S. No. E-4645.)

On January 4, 1924, the United States attorney for the District of Maine, 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 86 barrels of apples, at Portland, Me., alleging that the article had been shipped by Almeder, Eames & Co., from Boston, Mass., on or about October 1, 1923, and transported from the State of Massachusetts into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Massachusetts Standard Fancy Grade Min Size 2 $\frac{1}{4}$ Inches * * * Packed By Almeder, Eames & Co. Boston, Mass."

Adulteration of the article was alleged in the libel for the reason that apples of lower grade than that designated had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing in the labeling, to wit, "Massachusetts Standard Fancy Grade Min Size 2 $\frac{1}{4}$ Inches * * * McIntosh Reds," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.