On October 16, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16406. Misbranding of Broncil. U. S. v. 70 Bottles of Broncil. Default decree of condemnation and destruction. (F. & D. No. 23542. I. S. No. 03069. S. No. 1778.)

On March 22, 1929, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 70 bottles of Broncil, remaining in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped by the Modern Products Co., from Rochester, N. Y., on or about November 6, 1928, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, menthol, tolu balsam, oil of eucalyptus, extracts of plant drugs including wild cherry, tartar emetic, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (bottle) "Broncil For Coughs * * * Bronchitis, Hoarseness And All Bronchial Diseases," (carton) "Broncil For Coughs * * * Bronchitis, Hoarseness and Bronchial Diseases," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On May 24, 1929, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16407. Adulteration and misbranding of Merle's cod liver oil tablets. U. S. v. 5 Dozen Packages of Merle's Cod Liver Oil Tablets. Default decree of condemnation, forfeiture, and destruction. (F. &. D. No. 23699. I. S. No. 02769. S. No. 1949.)

On May 10, 1929, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen packages of Merle's cod liver oil tablets at Clarion, Pa., alleging that the article had been shipped by the Devore Mfg. Co., from Columbus, Ohio, on or about February 6, 1929, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained metallic iron, zinc compounds, phosphides, berberine, strychnine, and a small amount of fish oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Tablets Cod Liver Oil" and "Cod Liver Oil by Extractives," whereas the strength of the article fell below such professed standard.

Misbranding was alleged for the reason that the statements on the carton, "Compound Gaduol Tonic Tablets Cod Liver Oil" and "Cod Liver Oil by Extractives," were false and misleading. Misbranding was alleged for the further reason that the statement "Valuable in the treatment of malnutrition, anemia, rickets, atony," borne on the label, regarding the curative and therapeutic effects of the article were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 15, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*