9249. Misbranding of Cadomene Tablets. U. S. * * * v. 24 Dozen Bottles, 6 Dozen Bottles, 5⅓ Dozen Bottles, and 4⅝ Dozen Bottles of * * * Cadomene Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14370, 14371, 14372, 14373. Inv. Nos. 27619, 27620, 27621, 27623, 27624. S. Nos. E-3061, E-3062, E-3065, E-3066.)

On January 29, 1921, 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 libels for the seizure and condemnation of 24 dozen, 6 dozen, 5⅓ dozen, and 4⅝ dozen bottles, respectively, of Cadomene Tablets, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Blackburn Products Co., Dayton, Ohio, between the dates September 13 and December 22, 1920, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Invigorating * * * for the Treatment of * * * Neurasthenia (Nerve Exhaustion), General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other Symptoms due to * * * Worry, Grief, Intemperance, Dissipation, Overwork, Mal-Nutrition, Convalescence from Influenza, etc. * * *;" (circular) "* * * The benefits to be derived from their use, are such as to recommend them to all who may be afflicted with * * * Neurasthenia, Nervous Exhaustion, General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other symptoms due to * * * Worry, Grief, Intemperance, Dissipation, Mal-Nutrition, Overwork, Etc. * * * valuable for those who are despondent, nervous, irritable and unable to act naturally under the most ordinary circumstances. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of zinc phosphid, strychnine, and iron salts.

Misbranding of the article was alleged in the libel for the reason that the statements appearing on the bottles and in the circulars as above quoted, regarding the curative and therapeutic effect of said article, were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 2, 1921, 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.

E. D. Ball, *Acting Secretary of Agriculture.*

9250. Adulteration and misbranding of soda pop. U. S. * * * v. 55 Cases * * * of Soda Pop. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 596-c. I. S. No. 131-t.)

On or about September 1, 1920, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 55 cases, more or less, of soda pop, remaining unsold in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Eagle Bottling Works, Kansas City, Mo., on or about August 27, 1920, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: (Bottles) "Eagle Bot'g W'ks.