

the bottles containing the remainder of the said article, regarding the article and the ingredients contained therein, were false and misleading and deceived and misled the purchaser by representing the said article to be made from apples when it was not. Misbranding was alleged for the further reason that the statement on the bottle labels, "Net Contents One Pint," was false and misleading and deceived and misled the purchaser into the belief that each of the said bottles contained 1 pint of cider vinegar when it did not, being short in volume. 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. Misbranding was alleged with respect to a portion of the article for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, cider vinegar.

On May 15, 1923, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal.

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

11472. Misbranding of DuBois Pefic pills. U. S. v. 12 Dozen Packages and 10 Dozen Packages of DuBois Pefic Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14687, 14688. I. S. Nos. 10652-t, 10653-t. S. Nos. W-900, W-901.)

On March 29, 1921, the United States attorney for the District of Oregon, 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 22 dozen packages of DuBois Pefic pills, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by W. J. Baumgartner, Detroit, Mich., in part January 22 and in part February 23, 1921, and transported from the State of Michigan into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "DuBois Pills * * * Reliable Female Tonic and Regulator. * * * a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills which are purely vegetable. * * * a female tonic exerting helpful medicinal action over the female organs. * * * of utmost value in assisting in the relieving of pains, due to leucorrhoea, etc., and regulating the menses. * * * suppressed menstruation, painful menstruation * * * For leucorrhoea * * * In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure. * * * When the period is irregular * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the circulars enclosed in the packages containing the article, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 4, 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.

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

11473. Misbranding of Pep-Tonic. U. S. v. 9 Bottles, et al., of Pep-Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15424, 15713 to 15720, incl., 15964, 15965. I. S. Nos. 2016-t, 2017-t, 2018-t, 2021-t, 2022-t, 2023-t, 2024-t, 2025-t, 2030-t, 2031-t, 3916-t. S. Nos. C-3270, C-3355, C-3420.)

On November 14 and December 15, 1921, and February 9, 1922, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 87 bottles of Pep-Tonic, in various lots at Richmond, Lyndon, Concordia, Manhattan, Belvue, Blaine, Westmoreland, St. Marys, Riley, Leonardville, and Skiddy, Kans.,