in the sum of $200, conditioned that it be brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22990. Adulteration and misbranding of whisky. U. S. v. 23 Cases, et al., of Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32718, 32724, 32734, 32759, 32824, 32831. Sample nos. 7912–A, 7913–A, 7915–A, 7944–A, 41443–A, 41445–A, 41447–A, 71628–A, 71697–A, 71698–A, 72004–A, 72006–A, 72007–A, 72086–A.)

These cases involved various brands of alleged medicinal whisky which differed from the specifications of the United States Pharmacopoeia. The packages failed to bear on the labels a statement of the percentage of alcohol by volume. Most of the brands were labeled with unwarranted curative and therapeutic claims.

On May 17, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 cases of whisky at Boston, Mass. Between the dates of May 19 and June 10, 1934, libels were filed in the district courts for the Districts of Connecticut, Minnesota, Southern Illinois, and Western Missouri, against 1,398 bottles of whisky at Greenwich, Conn.; 124 cases and 63 bottles of whisky at Minneapolis, Minn.; 8⅔ cases of whiskey at Rock Island, Ill.; and 668 bottles of whisky at Joplin, Mo. It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments between the dates of December 19, 1933, and February 27, 1934, by the Frankfort Distilleries, Inc., in part from Baltimore, Md., and in part from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottles) "Lucky Star [or "Mattingly and Moore", "Four Roses", "Kentucky Triumph", "Old Oscar Pepper", "Old Baker", "Meadville Puryo Rye", "Honey Dew", "Broad Ripple", or "Indian Trader"] Whisky—A Blend." All brands were labeled, "For Medicinal Purposes" or "For Medicinal Use", most of them being further labeled "Rx."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, and its own standard of strength, quality, and purity was not declared on the label.

Misbranding was alleged for the reason that the statements, "For Medicinal Purposes", "For Medicinal Use", "Rx.", and "Spiritus Frumenti", borne on the labels, were false and misleading. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article. Misbranding of all brands, with the exception of the "Broad Ripple" and "Four Roses", was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: "Medicinal properties of Whisky. An easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods, beneficial to weakly persons, more especially in the extremes of life. Sudorific power resulting from its relaxation of peripheral circulation has given spiritus frumenti high favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as corysa, rhinitis, bronchitis, influenza and other nasal, laryngeal, bronchial and lobar affections."

On June 1, June 22, June 26, June 27, and July 3, 1934, claimants having appeared and admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that the old labels be removed and new labels correctly describing the product be affixed to the bottles.

M. L. WILSON, *Acting Secretary of Agriculture.*

22991. Misbranding of Wine of Chenstohow. U. S. v. 1,101 Bottles of Wine of Chenstohow. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32852. Sample no. 65653–A.)

The product in this case was labeled to convey the impression that it was wine and had been made in Chenstohow, Poland, whereas it was a proprietary

medicine made in Buffalo, N. Y. The label contained unwarranted curative and therapeutic claims.

On or about June 16, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,101 bottles of Wine of Chenstohow at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about April 11, 1934, by the Centennial Wine Co., Inc., from Buffalo, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Wine of Chenstohow * * * Bon Vino Products Inc., Buffalo, New York"; (shipping carton) "Prepared By Chenstohow Medical Laboratories, Inc."; "Centennial Wine Co., Inc., Buffalo, New York."

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of laxative drugs such as buckthorn, senna, and rhubarb, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statements on the label and shipping containers, "Wine of Chenstohow", "Wino Czestochowskie", or "Bon Vino Tonic", were false and misleading, since the article did not consist of wine and was not made at Chenstohow, Poland, but was manufactured in Buffalo, N. Y. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Bottle) "Health-Vigor Wine of Chenstohow is helpful for indigestion and regulates the bowels; * * * Which is the principle of health"; (shipping carton) "The Dawn of Health * * * Better appetite better digestion more vigor."

On August 14, 1934, Henry C. Struzynski and Myron H. Struzynski, trading as the National Cordial Co., Not Inc., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of $1,000, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22992. Adulteration and misbranding of Chalon Antiseptic Mouth Wash. U. S. v. 6 Dozen Bottles of Chalon Antiseptic Mouth Wash. Default decree of condemnation and destruction. (F. & D. no. 32857. Sample no. 38873-A.)

This case involved a product sold as an antiseptic mouth wash. Bacteriological examination showed that it was not an antiseptic.

On or about June 13, 1934, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 dozen bottles of Chalon Antiseptic Mouth Wash at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce, on or about April 28, 1934, by Leading Perfumers, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chalon Antiseptic Mouth Wash * * * Chalon Laboratories, New York, N. Y."

It was alleged in the libel that the article was adulterated in that it fell below the professed standard and quality under which it was sold, "Antiseptic."

Misbranding was alleged for the reason that the statement "Antiseptic", borne on the label, was false and misleading.

On July 16, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22993. Misbranding of Ora-Noid Mouth Powder. U. S. v. 22 Packages of Ora-Noid Mouth Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32859. Sample no. 67864-A.)

This case involved a product which was labeled with unwarranted therapeutic claims.

On June 13, 1934, 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 a libel praying seizure and condemnation of 22 packages of Ora-Noid Mouth Powder at New York, N. Y., alleging that the article had been