

5710. Misbranding of "Dr. Martel's Female Pills." U. S. * * * v. Ellis B. Kittson (French Drug Co.). Plea of guilty. Fine, \$5. (F. & D. No. 7885. I. S. No. 3826-1.)

On June 8, 1917, 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 an information against Ellis B. Kittson, trading as the French Drug Co., Newark, N. J., alleging shipment by said defendant, on October 11, 1915, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Massachusetts, of a quantity of an article labeled in part, "Dr. Martel's Female Pills," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

White tablets:

Average weight of 1 tablet (gram)-----	0.67
Total alkaloids per tablet (gram)-----	0.0009
Caffeine: Trace.	
Strychnine: Trace.	
Quinine: Absent.	
Aloes: Present.	
Licorice: Present.	
Ferrous and ferric sulphates: Present.	

Black pills:

Average weight of 1 pill (gram)-----	0.33
Total alkaloid per pill (gram)-----	0.0003
Caffeine: Trace.	
Strychnine: Trace.	
Quinine: Absent.	
Aloes: Present.	
Licorice: Present.	
Ferrous and ferric sulphates: Present.	

It was alleged in substance in the information that the article was misbranded for the reason that the following statements appearing on the label, to wit, "Dr. Martel's Female Pills * * * A remedy for amenorrhea (suppression of the menses) dysmenorrhea (painful menstruation) * * *," falsely and fraudulently represented it as a remedy for amenorrhea and dysmenorrhea, when, in truth and in fact, it was not. Misbranding was alleged in substance for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as effective to impart to the female reproductive organs the proper functional action nature demands in normal, healthy women; to reestablish the proper action of the generative organs by restoring their vitality and as a treatment for congestive inflammatory conditions of the uterus and ovary which are accompanied with unusual pain, and for the nervous and mental disturbances of the menopause, which include hysteria, melancholia, moroseness, and despondency, when, in truth and fact, it was not.

On July 10, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

C. F. MARVIN, *Acting Secretary of Agriculture.*