

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of sabal, nux vomica, zinc phosphid, capsicum, and aloin.

It was alleged in substance in the libels that the article was misbranded for the reason that the following statements regarding the curative and therapeutic effect of said article, (box) "Nerv-Mintz, Nerve and Energy Tablets, especially a nerve strengthener * * * soothe and quiet the nerves * * * used for the relief of nervousness, loss of vigor, energy, and ambition, lack of confidence, sleeplessness, trembling, nervelessness, shifty gait, shattered nerves, exhausted or weakened vitality, mental depression, numbness, weakening habits * * * and all overworked and unstrung nerves, induced by fast living and other excesses * * * useful in the treatment of nervous conditions which follow too strenuous living, mental and physical fatigue, and other excesses," (circular) "Nerv-Mintz for Nervous Debility * * * exceptionally efficient in the treatment of nervousness, loss of vigor, energy, and ambition, lack of confidence, sleeplessness, shifty gait, shattered nerves, weakened or exhausted vitality, mental or physical depression, weakening habits, * * * and for all overworked and unstrung nerves induced by fast living and other excesses * * * to all those who * * * suffer from the effects of fast living, overwork and the drains of present day strenuous excesses, Nerv-Mintz prove most wonderful rejuvenators, restoring the lost vitality you perhaps had thought was gone forever. Generally results are quick * * * Keep up the treatment * * *," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it.

On September 29, 1920, 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.*

S938. Adulteration and misbranding of nonalcoholic beverages. U. S. * * * v. 2 Kegs of Nonalcoholic Beverages, One Purporting to be Port Hot Cordial Flavor and the Other Blackberry Cordial Flavor * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13847. I. S. No. 84312-t. S. No. E-2861.)

On November 4, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 kegs of nonalcoholic beverages, one purporting to be port hot cordial flavor and the other blackberry cordial flavor, being labeled in part, "Non-alcoholic Artificial Flavor and Color Port Hot Cordial Flavor" (or "Blackberry Cordial Flavor") "sweetened with saccharine * * * Arlette Fruit Products Co., St. Louis, Mo.," remaining in the original unbroken packages at Bel Air, Md., alleging that the article had been shipped by the Arlette Fruit Products Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance which has no food value, to wit, saccharin, had been mixed and packed with, and substituted wholly or in part for, said articles. Adulteration was alleged for the further reason that said articles contained an added poisonous and deleterious ingredient, saccharin, which might render the same injurious to health.

Misbranding was alleged for the reason that the package or label of the articles bore the statements regarding said articles or the ingredients or sub-

stances contained therein, to wit, "Non-alcoholic Port Hot Cordial Flavor," or "Non-alcoholic Blackberry Cordial Flavor," which were false and misleading and deceived the purchaser. Misbranding was alleged for the further reason that the article in each case was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 18, 1920, 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.

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

S939. Adulteration and misbranding of flour. U. S. * * * v. 1,302 Sacks of Sir Walter Fancy Hard Wheat Patent Flour. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 13972. I. S. Nos. 7612-t, 7613-t, 7614-l. S. No. E-2899.)

On November 29, 1920, the United States attorney for the Eastern 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 for the seizure and condemnation of 1,302 sacks of Sir Walter Fancy Hard Wheat Patent Flour, so called, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Dillsburg Grain & Milling Co., Dillsburg, Pa., and delivered for shipment to a foreign country, alleging that the article had been shipped by said company to Philadelphia, Pa., on or about October 18, 1920, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for the article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its damage and inferiority were concealed.

It was alleged in substance in the libel that the article was misbranded in that the retail packages in which the same was inclosed contained labels which bore the following statements, designs, and devices, regarding the said article and the ingredients and substances contained therein, "D. G. M. 140 lbs. Sir Walter Fancy Hard Wheat Patent Flour," which were false and misleading in that they indicated to the purchaser that the package contained, when, in fact, it did not contain, 140 pounds of the article, but contained a less amount. It was alleged that the article was further misbranded in that the same was in fact prepared from soft winter wheat, whereas the label read "Sir Walter Fancy Hard Wheat Patent Flour." It was alleged that the article was further misbranded in that it was an imitation of, and was offered for sale under the distinctive name of, another article, and further in that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 7, 1921, the Atlantic Seaboard Flour Mills Co., Philadelphia, Pa., claimant, having filed its answer admitting the averments of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

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