

8972. Adulteration of pies. U. S. * * * v. 300 Pies labeled "Case & Martin Co. Connecticut Pies." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13476. Inv. No. 13469. S. No. C-2352.)

On or about August 27, 1920, the United States attorney for the District of Indiana, 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 300 pies, labeled "Case & Martin Co. Connecticut Pies," at Gary, Ind., alleging that the article had been shipped on or about August 27, 1920, by the Case & Martin Co., Chicago, Ill., and transported from the State of Illinois into the State of Indiana, and charging adulteration under the Food and Drugs Act.

Adulteration of the 300 pies was alleged in the libel for the reason that saccharin had been mixed and packed therewith so as to injuriously affect their quality and strength, and had been substituted in part for the article. Adulteration was alleged for the further reason that they contained an added poisonous and deleterious ingredient, saccharin, which might render the articles injurious to health.

On October 8, 1920, no claimant having appeared for the property, a default decree 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.*

8973. Misbranding of Nerv-Mintz. U. S. * * * v. 48 Packages, 50-cent Size, of Nerv-Mintz. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13517. Inv. No. 23360. S. No. C-2411.)

On August 26, 1920, the United States attorney for the District of Indiana, 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 48 packages, 50-cent size, of Nerv-Mintz, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped on or about December 19, 1919, by the Earle Chemical Co., Wheeling, W. Va., and transported from the State of West Virginia into the State of Indiana, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part: (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, over-work, 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 * * *."

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

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements on each of said packages, with respect to the curative and therapeutic effects of said article, were false and fraudulent in that the article did not