

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

contain any ingredient or combination of ingredients capable of producing the results claimed.

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.*

8974. Misbranding of Hooper's Female Pills. U. S. * * * v. 2 Dozen Packages of Hooper's Female Pills (Black Seal) and 370 Packages of Hooper's Female Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13524, 13531, 13532. I. S. Nos. 8784-t, 8755-t, 8756-t. S. Nos. E-2659, E-2544, E-2545.)

On August 27, 1920, and September 8, 1920, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a District Court, libels praying the seizure and condemnation of 2 dozen packages of Hooper's Female Pills (Black Seal) and 370 packages of Hooper's Female Pills, at Washington, D. C., alleging that the 2 dozen packages had been shipped by the Horace B. Taylor Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the District of Columbia, and that the 370 packages had been transported into the District of Columbia from without, and that all of the article was being sold and offered for sale at Washington, D. C., and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Hooper's Female Pills."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the contents of the pills consisted essentially of aloes and ferrous sulphate.

It was alleged in substance in the libels that the article was misbranded for the reason that the labeling of the article contained the following statements, among others, (wrapper) " * * * Female Pills * * * a safe and sovereign remedy in female complaints * * * an emmenagogue in producing Menstruation * * * for the removal of Irregularities * * * are used * * * (except in cases of Pregnancy * * *) * * * Opening obstructions of the vessels * * * cure of disorders peculiarly incident to the Female Sex * * * remedy against those general complaints the Female Sex are subject to * * * cleanse, purify, and cause a free circulation of the blood * * * open those obstructions which Virgins are liable to * * * best * * * for * * * the irregularities * * * for the palpitation of the heart, giddiness, loathing of food, bad digestion, pains of the stomach, heating of the arteries of the neck, short breath * * * scurvy * * * should be taken by all women at the age of 45 * * * to prevent those disorders that usually attend them at that time * * * sovereign remedy * * * in all hypochondriac, hysterick or vapourish disorders * * * strengthen the nerves * * * for * * * obstruction of * * * courses * * * continue their use until the end is answered * * *," (circular) " * * * Female Pills * * * a safe and sovereign remedy in female complaints * * * an emmenagogue in producing menstruation * * * for the removal of irregularities * * * are used * * * except in cases of pregnancy * * *," which said statements contained in the said circular and wrapper, being statements of the curative and therapeutic effect of the said drug and the ingredients and substances contained therein, were false and fraudulent for the reason that the said drug contained no ingredients or combination of ingredients in sufficient quantity and strength capable of producing the therapeutic effect claimed for it in said statements.

On October 18, 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.*