

On June 11, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9518. Misbranding of Robert J. Pierce's tablets. U. S. \* \* \* v. 34 Packages of \* \* \* Robert J. Pierce's Empress Brand Pennyroyal Tablets and 27 Packages of \* \* \* Robert J. Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal, and Apiol Tablets. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13306, 13509. I. S. Nos. 3049-t, 3046-t. S. Nos. C-2302, C-2320.)

On August 24 and 25, 1920, respectively, the United States attorney for the Eastern District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 34 packages of Robert J. Pierce's Empress Brand pennyroyal tablets and 27 packages of Robert J. Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiol tablets, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the articles had been shipped by Robert J. Pierce, Inc., New York, N. Y., on March 10, 1920, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The pennyroyal tablets were labeled in part: (Box) "\* \* \* the most Powerful and Reliable Emmenagogue known The only safe, sure and always effectual remedy in suppression (stoppage) of the menstrual function;" (circular) "\* \* \* The Celebrated Female Regulator \* \* \* Active treatment should begin four or five days before the expected reappearance of the menstrual flow. \* \* \* Take one \* \* \* three times daily \* \* \* follow \* \* \* instructions \* \* \* until the desired result is obtained \* \* \* emmenagogue medicine \* \* \* they have invariably proved successful. As a Preventive of Irregularities.—Take one \* \* \* three times daily, \* \* \* They can always be depended upon as a monthly regulator." The tansy, cotton root, pennyroyal, and apiol tablets were labeled in part: (Box) "\* \* \* Tansy, Cotton Root, Pennyroyal and Apiol Tablets. A Safe Emmenagogue, Always Reliable And Effective. The Best Known Remedy For The Suppression Of The Menstrual Function;" (circular) "\* \* \* Tansy, Cotton Root, Pennyroyal and Apiol Tablets \* \* \* The Celebrated Female Regulator \* \* \* Delayed Menstruations When the suppression is of long standing, \* \* \* take \* \* \* four days before the time when the menses should appear. \* \* \* immediately preceding the expected appearance of the menstrual flow, active treatment should begin. Take one tablet three times daily, \* \* \* follow instructions \* \* \* until the desired result is obtained. \* \* \* Irregularities Where the menses are not regular \* \* \* are invaluable. \* \* \* Take \* \* \* before the expected appearance of the menstrual period."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the pennyroyal tablets consisted essentially of ferrous sulphate and plant extractives, including tansy and aloes; and that the tansy, cotton root, pennyroyal, and apiol tablets consisted essentially of ferrous sulphate and plant extractives, including pennyroyal and aloes.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements, regarding the curative and therapeutic effects thereof, were false, fraudulent, and misleading in that they contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said articles were not cures for the complaints and ailments above quoted.

On January 18, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9519. Adulteration and misbranding of prepared mustard. U. S. \* \* \* v. 150 Cases \* \* \* 5-Ounce Tumblers, 150 Cases \* \* \* 8-Ounce Jars, 25 Cases \* \* \* 1-Gallon Bottles, and 8 Barrels of Prepared Mustard. Judgments by consent ordering product released under bond, the 8 barrels to be relabeled and the remainder to be destroyed and the containers thereof to be returned to claimant.** (F. & D. Nos. 14269, 14435. I. S. Nos. 10162-t, 10163-t, 10164-t, 10184-t. S. Nos. W-852, W-869.)

On January 28, 1921, and on or about February 16, 1921, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 150 cases, each containing 3 dozen 5-ounce tumblers, 150 cases, each containing 2 dozen 8-ounce jars, 25 cases, each containing 6 one-gallon bottles, and 8 barrels of prepared mustard, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Kondit Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about August 25 and December 13, 1920, respectively, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for prepared mustard.

Misbranding was alleged in substance for the reason that the statement, to wit, "Prepared Mustard," borne on the tumblers, jars, bottles, and barrels containing the article, regarding the contents thereof, was false and misleading and was calculated to deceive and mislead the purchaser.

On February 28 and April 20, 1921, respectively, Logan Wallace, claimant, having admitted the material allegations of the libels, judgments were entered ordering that upon payment of the costs of the proceedings and the execution of bonds in the sum of \$500 and \$1,000, respectively, in conformity with section 10 of the act, the product be released to said claimant, the 8 barrels thereof to be relabeled "Compound Dressing Composed of Mustard Seed, Mustard Bran, Vinegar, and Spices," and the remainder to be returned to Chicago, Ill., the product to be destroyed by the United States marshal for that district, and the containers to be returned to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9520. Misbranding of Dr. Carey's Marsh Root. U. S. \* \* \* v. 181 Packages and 111 Packages of Dr. Carey's Marsh Root. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13820, 13825. I. S. Nos. 5687-t, 5688-t, 5689-t. S. Nos. E-2845, E-2847.)

On October 28, 1920, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 181 packages and 111 packages of Dr. Carey's Marsh Root, at Pittsburgh, Pa., consigned by the Carey Medical Corp., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., on June 25, July 22, and October 4, 1920, respectively, and transported from the State of New York