

9774. Misbranding of Winslow's sarsaparilla compound. U. S. * * * v. 3½ Gross Bottles of Winslow's Sarsaparilla Compound. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 13397, 13507. I. S. No. 9081-t. Inv. No. 25151. S. Nos. E-2524, E-2558.)

On August 20, 1920, the United States attorney for the Western District of South Carolina, acting upon reports 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 3½ gross bottles of Winslow's sarsaparilla compound, at Spartanburg, S. C., alleging that the article had been shipped by the Howard Drug and Medicine Co., Baltimore, Md., one dozen on or about March 27, 1920, and the remainder in two shipments on or about the respective dates April 3 and May 25, 1920, and transported from the State of Maryland into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extract of plant material, including sarsaparilla, potassium iodid, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the bottles and cartons containing the same bore certain statements regarding the curative and therapeutic effects of the said article and the ingredients or substances contained therein, to wit, (bottle) "* * * A Reliable Remedy For Scrofula, Chronic Ulcers, Cancerous Ulcers, Necrosis, Diseases of the Bones, Syphilitic Affection, Rheumatism, Female Weakness, Dyspepsia, Pimples and all Skin Diseases and the many Diseases arising from an Impure State of the Blood," (carton) "For Scrofula, Chronic Ulcers, Cancerous Ulcers, Necrosis, Diseases of the Bones, Syphilitic Affections, Rheumatism, Dyspepsia, Pimples, and all Skin Diseases and the many Diseases arising from an impure State of the Blood," which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 29, 1920, the Howard Drug and Medicine Co., Baltimore, Md., having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

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

9775. Misbranding of Dr. Martel's female pills. U. S. * * * v. 3 Packages * * * of Dr. Martel's Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13404. I. S. No. 4283-t. S. No. C-2216.)

On August 20, 1920, the United States attorney for the Northern District of Ohio, 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 3 packages, more or less, of Dr. Martel's female pills, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the French Drug Co., New York, N. Y., on or about March 18, 1919, and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "* * * Female Pills * * * For (Suppression Of The Menses) Dysmenorrhoea (Painful Menstruation) And Similar Functional Derangement"; (circular) "* * * Female Pills * * *

for Disturbances Of The Menstrual Functions * * * For Amenorrhoea (Suppression of the Menses * * *) * * * treatment * * * should be continued until relief is obtained. For Dysmenorrhoea (Painful or Scanty Menstruation) * * * our medicine will be found to give lasting benefit and genuine relief. * * * To prevent difficult, painful, over-profuse and other morbid menstrual conditions, and keep this important function normal, take * * * for a few days before the expected re-appearance of the menstrual flow."

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

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof were false and fraudulent as the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 3, 1921, 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.

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

9776. Misbranding of Nervosex tablets. U. S. * * * v. 1 Dozen Boxes and 10 Packages * * * of * * * Nervosex Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13360, 13426. I. S. Nos. 486-t, 487-t. S. Nos. C-2150, C-2287.)

On August 17, 1920, the United States attorney for the Southern District of Ohio, 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 1 dozen boxes and 10 packages, more or less, of Nervosex tablets, remaining unsold at Cincinnati and Norwood, Ohio, respectively, consigned by the United Laboratories, St. Louis, Mo., December 24, 1919, and January 22, 1920, respectively, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Nervosex Tablets A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained, essentially, extract of plant material, including nux vomica, and compounds of iron, calcium, zinc, and phosphorus.

Misbranding of the article was alleged in substance in the libels for the reason that the box label bore the above-quoted statements regarding the curative and therapeutic effect thereof, which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the said statements.

On February 19, 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.*