

9864. Misbranding of Nervosex tablets. U. S. * * * v. 10 Packages * * * of * * * Nervosex Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14120. I. S. No. 13453-t. S. No. C-2649.)

On December 29, 1920, the United States attorney for the District of Kansas, 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 10 packages, more or less, of Nervosex tablets, remaining unsold in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the United Laboratories, Inc., St. Louis, Mo., on or about August 31, 1920, and transported from the State of Missouri into the State of Kansas, 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 contained strychnine, phosphates, iron, zinc, and calcium compounds.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the therapeutic or curative effect thereof, appearing in the label of the box containing the said article, to wit, "A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *," were false and fraudulent in that they were applied to the article so as to represent falsely and fraudulently, and create in the minds of purchasers thereof the impression and belief, that the said article was composed of or contained ingredients or medicinal agents capable of producing the therapeutic effect claimed for it in the said statements, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing such effect.

On June 28, 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.*

9865. Adulteration of tomato catsup and tomato sauce. U. S. * * * v. 1,750 Cases of Tomato Catsup, et al. Decrees ordering release of products under bond to be salvaged. (F. & D. Nos. 14123, 14124, 14164, 14165, 14166, 14167, 14168, 14169, 14170, 14171, 14172, 14229, 14385. I. S. Nos. 1651-t, 2100-t, 1655-t, 1656-t, 1657-t, 1658-t, 1659-t, 1660-t. S. Nos. C-2653, C-2645, C-2718, C-2761.)

On or about December 21 and 28, 1920, and January 21 and February 21, 1921, respectively, the United States attorney for the Eastern District of Louisiana, 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 approximately 4,245 cases of tomato catsup and 1,264 cases of tomato sauce, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the articles had been shipped by the J. T. Polk Co., Chicago, Ill., on or about the respective dates October 25 and 28 and November 16 and 29, 1920, and transported from the State of Illinois into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, respectively, (bottle and case) "Polk's Best Catsup * * *," (cans and case) "Polk's Best Spanish Style Tomato Sauce * * *"

Adulteration of the articles was alleged in the libels for the reason that they consisted wholly or in part of filthy, decomposed, and putrid vegetable substances.

On August 5, 1921, the Sears and Nichols Canning Co., Chillicothe, Ohio, having succeeded to the interests of the consignee and having entered an