

**10942. Misbranding of emmenagogue pills and Bick's nerve tonic. U. S. v. 17 Packages of Emmenagogue Pills, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13881, 13882. S. Nos. C-2583, C-2585.)**

On December 9, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 17 packages of emmenagogue pills, consisting of 4 packages of Leslie's, 9 packages of Arthur's, and 4 packages of Thomas' emmenagogue pills, and 10 packages of Bick's nerve tonic, remaining in the original unbroken packages at Greenville, Miss., alleging that the articles had been shipped by the Palestine Drug Co., St. Louis, Mo., on or about February 15, 1919, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The emmenagogue pills were labeled in part: (Box) "Emmenagogue Pills recommended for Ammenorrhoea, Dysmenorrhoea, and other Menstrual Troubles. \* \* \* Beginning Treatment \* \* \* Before The Regular Monthly Period \* \* \* Continue \* \* \* Until Relief Is Obtained." The nerve tonic was labeled in part: (Wrapper) "Nerve Tonic \* \* \* one of the best \* \* \* treatments known for those nervous run-down conditions which cause so much mental worry. \* \* \* For the treatment of weak and irritated conditions of the nervous system \* \* \* manifested by \* \* \* poor appetite, feeling of weakness, despondency, lack of tone in the system of both sexes and lack of energy."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the pills consisted essentially of iron sulphate, aloes, and vegetable extract, coated with a mixture of sugar and calcium carbonate, colored pink, and that the nerve tonic consisted of two products, brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate.

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 of the respective articles, appearing on the box label or the wrapper, as the case might be, were false and fraudulent in that the said articles had not the curative or therapeutic effects so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effects.

On November 28, 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.*

**10943. Misbranding of anchovies in salt. U. S. v. Salvatore Cerrito. Plea of guilty. Fine, \$25. (F. & D. No. 15004. I. S. No. 10633-t.)**

On December 7, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Salvatore Cerrito, Monterey, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 2, 1920, from the State of California into the State of Washington, of a quantity of anchovies in salt which were misbranded. The article was labeled in part: "Anchovies in Salt. \* \* \* Merlino Brand Net Weight of Contents 4 Lbs. Net \* \* \*."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average weight of 2 packages was 3 pounds, 2.85 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight of Contents 4 Lbs. Net," borne on the cans containing the article regarding the said article, was false and misleading in that the said statement represented that each of the said cans contained not less than 4 pounds net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained not less than 4 pounds net weight of the article, whereas, in truth and in fact, each of said cans did not contain 4 pounds net weight of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form,