

11541. Misbranding of Dr. Roger's Improved Rog-R-Pils. U. S. v. 11 Boxes of Dr. Roger's Improved Rog-R-Pils. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15818. I. S. No. 12352-t. S. No. C-3492.)

On March 31, 1922, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 boxes of Dr. Roger's Improved Rog-R-Pils, at Fargo, N. Dak., alleging that the article had been shipped by the Digestive Chemical Co., from St. Paul, Minn., on or about March 17, 1922, and transported from the State of Minnesota into the State of North Dakota, 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 the pills consisted essentially of iron carbonate, tansy oil, ergot extract, aloin, and a fixed oil.

Misbranding of the article was alleged in the libel for the reason that the labeling contained the following statements as to the curative and therapeutic effect of the said article, (box) "For Women * * * A Very Efficient Remedy For Menstrual Disorders Only, Caused By Colds, Nervous Shocks And Anemia. * * * Very Necessary Remedy For Every Woman," (circular) " * * * for Women * * * will relieve many cases of Suppression of the Menses, caused by Colds, Nervous Shocks, Anemia, General Debility, etc. * * * a very large portion of the ills to which Females are liable are the direct result of suppressed or disordered Menstruation and other Uterine diseases, and it is necessary, therefore, that a remedy for the relief of these diseases be placed within the reach of every woman. Ladies who are compelled to go to bed each month from pain and weakness or back ache, will be relieved if they will take one pill three times a day before meals, beginning a day or so previous to the period. * * * Take * * * until natural menstrual flow has been produced. * * * After you have taken one or two boxes of pills and you have not obtained any results, wait until eight days before following period, and then continue with pills until natural flow has been obtained. * * * If these pills are taken one or two days before the expected period * * * you will avoid all monthly pains and irregularities," which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 5, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11542. Misbranding of olive oil. U. S. v. 23 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16370. I. S. No. 15561-t. S. No. E-3872.)

On May 19, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 quart cans of olive oil, remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped by Courmalis & Co., New York, N. Y., on or about March 15, 1922, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "La Bella Fiume * * * Prodotto Garantito * * * Packed By Valore Olive Oil Co. New York Net Contents One Quart."

Misbranding of the article was alleged in the libel for the reason that the labels on the cans containing the said article bore the following statement, "Net Contents One Quart," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1923, 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 sold by the United States marshal or destroyed if such sale could not be speedily effected.

HOWARD M. GORE, *Acting Secretary of Agriculture.*