

Packing Co., a corporation, Astoria, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 4, 1918, from the State of Oregon into the State of New York, of a quantity of canned salmon which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of chinook salmon.

Misbranding of the article was alleged in the information for the reason that the label appearing on the cases containing the said article, to wit, "Columbia River Salmon," was false and misleading in that it represented to purchasers thereof that the said article was Columbia River salmon, whereas, in fact and in truth, it was California salmon; for the further reason that it was falsely branded as to the State wherein it was produced, as follows, "Packed at Astoria, Oregon," so as to represent to purchasers thereof that it was packed in Oregon, whereas, in fact and in truth, it was packed in California; and for the further reason that the said article was an imitation of, and was sold under the name of, another article, to wit, Columbia River salmon, whereas, in fact and in truth, it was California salmon.

On August 8, 1921, a plea of guilty to count 2 of the information charging misbranding was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

9811. Misbranding of Robert J. Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiol tablets. U. S. * * * v. 12 Packages * * * of * * * Robert J. Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal, and Apiol Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13488. Inv. No. 10500. S. No. C-2330.)

On August 20, 1920, the United States attorney for the Western District of Missouri, 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 12 packages, more or less, of Robert J. Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiol tablets, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by Robert J. Pierce, Inc., New York, N. Y., on or about August 3, 1920, and transported from the State of New York into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was 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 one * * * until 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 * * * 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."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of aloes, ferrous sulphate, pennyroyal, and unidentified plant extractives.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labels and printing on the

said boxes and in the accompanying circulars, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On October 7, 1920, 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.*

9812. Misbranding of Nerv-Mintz. U. S. * * * v. 2 Dozen Packages * * * of * * * Nerv-Mintz. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13496. I. S. No. 1733-t. S. No. C-2135.)

On August 24, 1920, the United States attorney for the Southern 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 2 dozen packages of Nerv-Mintz, remaining unsold at Cincinnati, Ohio, consigned by the Earle Chemical Co., Wheeling, W. Va., on or about December 18, 1919, and July 9, 1920, respectively, alleging that the article had been shipped from Wheeling, W. Va., and transported from the State of West Virginia 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) "Nerv-Mintz Nerve And Energy Tablets Especially A Nerve Strengthenener * * * Soothe And Quiet The Nerves, * * * Used For The Relief Of Nervousness, Loss Of Vigor, Energy And Ambition—Lack of Confidence, Sleeplessness, Trembling, Nervelessness, Shifty Gait, Shattered Nerves, Exhausted Or Weakened Vitality, Mental Depression, Numbness, Weakening Habits, * * * And All Overworked And Unstrung Nerves Induced By Fast Living And Other Excesses. * * * Useful In The Treatment Of Nervous Conditions Which Follow Too Strenuous Living, Mental And Physical Fatigue, And Other Excesses"; (circular) "Nerv-Mintz For Nervous Debility * * * Exceptionally Efficient In The Treatment Of Nervousness, Loss Of Vigor, Energy And Ambition, Lack Of Confidence, Sleeplessness, Shifty Gait, Shattered Nerves, Weakened Or Exhausted Vitality, Mental Or Physical Depression, Weakening Habits, * * * And For All Over-Worked And Unstrung Nerves Induced By Fast Living And Other Excesses. * * * To all those who * * * suffer from the effects of fast living, over-work and the drains of present day strenuous excesses, Nerv-Mintz prove most wonderful rejuvenators, restoring the lost vitality you perhaps had thought was gone forever. Generally results are quick. * * * Keep up the treatment * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of sabal, nux vomica, zinc phosphid, capsicum, and aloin.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the circulars and box labels, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the said article contained no ingredients 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, 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.*