

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.*