

9906. Misbranding of Prof. Dupree's French specific pills. U. S. * * * v. 36 Dozen Packages * * * of Prof. Dupree's French Specific Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15015. Inv. No. 32800. S. No. E-3404.)

On July 1, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 36 dozen packages, more or less, of Prof. Dupree's French specific pills, at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia, 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 contained iron sulphate, aloes, and ground plant material.

Misbranding of the article was alleged in substance in the libel for the reason that the packages containing the said article were accompanied by a circular containing the following statements regarding the curative and therapeutic effects thereof, "* * * For use in the suppression of irregularities of the menses. * * * efficient in their results * * * girls approaching the age of puberty, who have not overcome the functional derangements induced by that * * * change * * * can be given these pills with great benefit, * * * Reliable * * *," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the said article possessed the curative and therapeutic qualities claimed for it, whereas, in truth and in fact, it did not.

On October 3, 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.*

9907. Misbranding of mackerel. U. S. * * * v. 24 Pails * * * of Fat Irish Mackerel. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15018. I. S. No. 8750-t. S. No. E-3405.)

On July 7, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 24 pails of fat Irish mackerel, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Leonard A. Treat, Boston, Mass., on or about May 26, 1921, and transported from the State of Massachusetts into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "This Package Contains 20 Lbs. Fat Irish 7-8 Oz. Mackerel," borne on the pails containing the said article, regarding the quantity of the mackerel contained therein and the average size of each of the said mackerel, was false and misleading, and for the further reason that the statement aforesaid was borne and labeled on the said pails so as to deceive and mislead the purchaser into the belief that the said pails each contained 20 pounds net of fat Irish mackerel and that each of the said mackerel averaged between 7 and 8 ounces in weight, whereas, in truth and in fact, the said pails each contained less than 20 pounds of the said article, to wit, approximately 4½ pounds less and the said mackerel averaged less than 7 ounces each. Misbranding

was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated, to wit, "This Package Contains 20 Lbs. Fat Irish 7-8 Oz. Mackerel," was more than the actual contents of the said package.

On October 3, 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.*

9908. Misbranding of Montauk Star Brand pills. U. S. * * * v. 322 Packages, More or Less, of Montauk Star Brand Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15143. Inv. No. 32799. S. No. E-3436.)

On or about July 20, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 322 packages, more or less, of Montauk Star Brand pills, at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia, 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 contained iron sulphate, aloes, and a trace of strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that the boxes containing the article and the accompanying circular contained the following statements regarding the curative and therapeutic effects thereof, (box) "* * * Female Pills * * *," (circular) "* * * For use in the suppression of irregularities of the menses * * * efficient in their results * * * where the period is irregular, * * * commence the use of these pills three or four days before the expected time, * * * Young girls approaching the age of puberty, or who have not overcome the functional derangements induced by that momentous change in their life, can be given these pills with great benefit, restoring elasticity to the step, brightness to the eye and cheerfulness to the disposition * * *," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed and in that the said statements were applied thereto so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that the said article possessed the curative and therapeutic effects claimed, whereas, in truth and in fact, it did not.

On October 3, 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.*

9909. Adulteration of dried shrimp. U. S. * * * v. 19 Barrels and 7 Barrels of * * * Sun Dried Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15366. I. S. Nos. 11034-t, 11035-t. S. No. W-1013.)

On September 8, 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 a libel for the seizure and condemnation of 19 barrels and 7 barrels of sun dried shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the American Factors, Limited, from Honolulu, T.