

On January 31, 1920, the defendant entered a plea of guilty, and the court imposed fines aggregating \$300 and costs.

E. D. BALL, *Acting Secretary of Agriculture*.

**7720. Misbranding of Prince's Pills, Prince's Liniment, and Dr. Prince's Tru-Vigor Nerve Tablets. U. S. \* \* \* v. Boston Drug & Chemical Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 8879. I. S. Nos. 2613-p, 2614-p, 2615-p.)**

On October 10, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Boston Drug & Chemical Co., a corporation, Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 27, 1917, from the Commonwealth of Massachusetts into the State of Rhode Island, of quantities of articles, labeled in part "Prince's Pills," "Prince's Liniment," and "Dr. Prince's Tru-Vigor Nerve Tablets," which were misbranded.

Analysis of a sample of Prince's Pills by the Bureau of Chemistry of this department showed that the article was a pill composed largely or wholly of rhubarb and aloes, coated with a mixture of calcium carbonate, starch, and sugar, and colored with amaranth.

Misbranding of the article was alleged in substance in the information in that the statements, designs, and devices in the circular accompanying the article, regarding the therapeutic effects of the article, were false and fraudulent, in this, that by means of the said circular, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy, treatment, and cure for suppressed, delayed, scanty, painful, and irregular menstruation, and effective to produce a miscarriage, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy, treatment, or cure as claimed by the statements for the article.

Analysis of a sample of Prince's Liniment by the Bureau of Chemistry of this department showed that the article was a liniment containing ammonia, camphor, turpentine oil, and a small percentage of alcohol.

Misbranding of the article was alleged in the information in that the statements on the wrapper enclosing, and on the labels of the bottles containing the article, regarding the therapeutic and curative effects of the article, were false and fraudulent, in this, that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy, treatment, and cure for all pain, rheumatism, neuralgia, diphtheria, sore throat, asthma, sciatica, bronchitis, erysipelas, salt rheum, numbness of the limbs, spasms of the stomach and bowels, all internal and external pains, corns, warts, calloused flesh, piles, fistula, headache, earache, and inflammation, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal medicines effective, among other things, as a remedy, treatment, or cure, as claimed by the

statements for the article. Misbranding was further alleged in the information in that the statement, to wit, "Prince's Liniment. It is a combination of camphor, wintergreen, capsicum, etc.," borne on the circular aforesaid, regarding the article and the ingredients and substances contained therein, was false and misleading, in this, that it represented that said article contained wintergreen and capsicum, whereas, in truth and in fact, said article contained no wintergreen or capsicum.

Analysis of a sample of Dr. Prince's Tru-Vigor Nerve Tablets by the Bureau of Chemistry of this department showed that they consisted essentially of strychnine and a greenish, acid resin probably from damiana.

Misbranding of the article was alleged in the information in that the statements on the labels on the boxes containing, and in the circular accompanying the article, regarding the therapeutic and curative effects of the article, were false and fraudulent, in this, that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy, treatment, and cure for weakness, nervousness, loss of manhood, sleeplessness, despondency, nervous and sick headache, and all forms of mental and physical debility, all nervous diseases, self abuse, abuse of alcohol or tobacco, overwork, mental or bodily exhaustion, hysteria, impotency, abnormal discharges, diseases of the prostate gland, and weakness or lack of energy in the generative organs, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain ingredients or medicinal agents effective, among other things, as a remedy, treatment, or cure, as claimed by the statements for the article, and that the article was in whole or in part possessed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy, treatment, or cure for varicocele, loss of power, emissions, failing memory, paresis, and all evil effects arising from indiscretions from most any cause, and effective as a preventive of insanity, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy, treatment or cure, as claimed by the statements for the article.

On October 14, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

**7721. Misbranding of potatoes. U. S. \* \* \* v. 120 Sacks of Potatoes. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 11267. I. S. No. 7325-r. S. No. C-1473.)

On September 23, 1919, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said ditrict a libel for the condemnation and forfeiture of 120 sacks of potatoes, consigned on or about August 9, 1919, by Reed & Perrine, Tennent, N. J., remaining unsold in the original unbroken packages at Terre Haute, Ind., and transported from the State of New Jersey into the State of Indiana, in violation of the Food and Drugs Act, as amended. The article was labeled as follows: "Reed & Perrine, Tennent, N. J. U. S. Grade No. 1—150 lbs. Net—When packed."

Misbranding of the article was alleged in the libel for the reason that the article was labeled and branded as aforesaid so as to deceive and mislead the