

**SS58. Misbranding of Madame Dean Female Pills. U. S. \* \* \* v. 2 Dozen Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13474. I. S. Nos. 8762-t, 8763-t. S. No. E-2551.)

On August 24, 1920, 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 2 dozen packages of Madame Dean Female Pills, at Washington, D. C., alleging that the article had been shipped by Martin Rudy. Lancaster, Pa., on or about August 3, 1920, and transported from the State of Pennsylvania into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended. One dozen packages of the article were labeled in part, "Madame Dean Female Pills (Special)" and 1 dozen, "Madame Dean Female Pills (Single)."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pink pills marked "Special" consisted essentially of aloes, ferrous sulphate, quinine, senecio flowers and herb, ginger, and cornstarch, and that the black pills marked "Single" consisted of aloes, ferrous sulphate, quinine, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel in that the labeling thereof contained, among others, the following statements, (box and wrapper) "\* \* \* give relief in Female Disorders of the menstrual functions \* \* \* for Painful, Irregular and Scanty Menstruation," (booklet) "\* \* \* irregular, prolonged, or suppressed menstruation \* \* \* Female Pills afford relief for these ailments \* \* \* a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system \* \* \* especially valuable in the functional changes \* \* \* of the menopause or change of life \* \* \* act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation and assist in reestablishing or restoring the menstrual or monthly periods \* \* \* strengthen and build up the uterine function," (circular) "\* \* \* a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, \* \* \* for irregular, painful, scanty or suppressed menstruations \* \* \* should be taken \* \* \* to assist nature with \* \* \* disorders \* \* \* during the change of life period \* \* \* Continue with the treatment until they give relief \* \* \* great relief from Pains or Headache \* \* \* for suppressed Menstruation, \* \* \* continue their use until relieved \* \* \* take \* \* \* until the menstrual flow commences again," which said statements were false and fraudulent for the reason that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effect claimed.

On October 18, 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.

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

**SS59. Misbranding of Nerv-Mintz. U. S. \* \* \* v. 2½ Dozen, 10 Dozen, ½ Dozen, and 20 Dozen, More or Less, Packages of Nerv-Mintz. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13554, 13555, 13556, 13558. I. S. Nos. 7565-t, 7571-t, 7561-t, 7575-t. S. Nos. E-2590, E-2591, E-2594, E-2627.)

On August 30, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district libels for the seizure and condemnation of 2½ dozen, 10 dozen, ½ dozen, and 20 dozen packages, more or less, of Nerv-Mintz, consigned by the Earle Chemical Co., Wheeling, W. Va., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about July 2, 1920, and transported from the State of West Virginia into the State of Pennsylvania, 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 tablets consisted essentially of sabal, nux vomica, zinc phosphid, aloin, and capsicum.

It was alleged in substance in the libels that the article was misbranded in that certain statements appearing on the label and in the circular were false and fraudulent for the reason that the article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, which were applied to said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof, as follows: (Box) "Nerv-Mintz Nerve and Energy Tablets especially a nerve strengthener \* \* \* 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 Over-worked 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."

On September 20, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**8860. Adulteration of shell eggs. U. S. \* \* \* v. Center Supply Co., a Corporation. Plea of guilty. Fine, \$25.** (F. & D. No. 9660. I. S. No. 5652-r.)

On June 4, 1919, 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 an information against the Center Supply Co., a corporation, Center, N. Dak., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 2, 1918, from the State of North Dakota into the State of Minnesota, of a quantity of shell eggs which were adulterated.

Examination of 4 half cases of the article by the Bureau of Chemistry of this department showed the presence of 76, or approximately 10 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, and moldy eggs.