

**8936. Misbranding of Hooper's Female Pills. U. S. \* \* \* v. 18 Dozen Packages and 83 Packages of Hooper's Female Pills.** (F. & D. Nos. 13525, 13587. I. S. Nos. 5132-t, 5133-t, 5134-t, 5111-t, 5112-t. S. Nos. E-2680, E-2613.)

On August 26, 1920, 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 a libel of information praying the seizure and condemnation of 18 dozen packages and 83 packages of Hooper's Female Pills, consigned by the Horace B. Taylor Co., Philadelphia, Pa., about March 3 and July 13, 1920, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped and transported from the State of Pennsylvania into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Hooper's Female Pills."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and ferrous sulphate.

It was alleged in substance in the libel of information that the article was misbranded for the reason that the following statements regarding the curative and therapeutic effect thereof were false and fraudulent in that said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular and wrapper) "Female Pills \* \* \* a safe and sovereign remedy in female complaints, \* \* \* an Emmenagogue in producing Menstruation \* \* \* for the removal of irregularities \* \* \* are used (except in cases of Pregnancy);" (wrapper) "Opening obstructions of the vessels \* \* \* cure of disorders peculiarly incident to the Female Sex \* \* \* remedy against those general complaints the Female Sex are subject to \* \* \* cleanse, purify, and cause a free circulation of the blood \* \* \* open those obstructions which Virgins are liable to \* \* \* best \* \* \* for \* \* \* the irregularities \* \* \* for the palpitation of the heart, giddiness, loathing of food, bad digestion, pains of the stomach, heating of the arteries of the neck, short breath \* \* \* scurvy \* \* \* should be taken by all women at \* \* \* age \* \* \* forty-five \* \* \* to prevent those disorders that usually attend them at that time \* \* \* sovereign remedy \* \* \* in all hypochondriac, hysterick, or vapourish disorders \* \* \* strengthen the nerves \* \* \* for \* \* \* obstruction of \* \* \* courses \* \* \* continue their use until the end is answered."

On November 12, 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.*

**8937. Misbranding of Nerv-Mintz. U. S. \* \* \* v. 3 Dozen Packages and 31 Packages of \* \* \* Nerv-Mintz. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13596, 13597. I. S. Nos. 8231-t, 8614-t. S. Nos. E-2589, E-2628.)

On August 25, 1920, the United States attorney for the District of Maryland, 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 3 dozen packages and 31 packages of Nerv-Mintz, remaining in the original unbroken packages at Baltimore, Md., shipped by parcel post on or about August 3, 1920, and June 11, 1920, alleging that the article had been shipped by the Earle Chemical Co., Wheeling, W. Va., and transported from the State of West Virginia into the State of Maryland, 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, capsicum, and aloin.

It was alleged in substance in the libels that the article was misbranded for the reason that the following statements regarding the curative and therapeutic effect of said article, (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 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 overworked and unstrung nerves induced by fast living and other excesses \* \* \* to all those who \* \* \* suffer from the effects of fast living, overwork 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 \* \* \*," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it.

On September 29, 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.*

**S938. Adulteration and misbranding of nonalcoholic beverages. U. S. \* \* \* v. 2 Kegs of Nonalcoholic Beverages, One Purporting to be Port Hot Cordial Flavor and the Other Blackberry Cordial Flavor \* \* \*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13847. I. S. No. 84312-t. S. No. E-2861.)**

On November 4, 1920, the United States attorney for the District of Maryland, 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 kegs of nonalcoholic beverages, one purporting to be port hot cordial flavor and the other blackberry cordial flavor, being labeled in part, "Non-alcoholic Artificial Flavor and Color Port Hot Cordial Flavor" (or "Blackberry Cordial Flavor") "sweetened with saccharine \* \* \* Arlette Fruit Products Co., St. Louis, Mo.," remaining in the original unbroken packages at Bel Air, Md., alleging that the article had been shipped by the Arlette Fruit Products Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance which has no food value, to wit, saccharin, had been mixed and packed with, and substituted wholly or in part for, said articles. Adulteration was alleged for the further reason that said articles contained an added poisonous and deleterious ingredient, saccharin, which might render the same injurious to health.

Misbranding was alleged for the reason that the package or label of the articles bore the statements regarding said articles or the ingredients or sub-