

8999. Misbranding of Dr. Martel's Female Pills. U. S. * * * v. 41 Boxes and 30 Boxes of * * * Dr. Martel's Female Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13356, 13460. I. S. Nos. 10009-t, 10218-t. S. Nos. W-676, W-695.)

On August 23, 1920, the United States attorney for the District of Colorado, 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 41 boxes and 30 boxes of Dr. Martel's Female Pills, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the French Drug Co., New York, N. Y., alleging that the article had been shipped on or about July 6, 1920, and during the month of August, 1920, and transported from the State of New York into the State of Colorado, 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 it consisted of white tablets composed essentially of oil of savin and ferrous sulphate and carbonate.

It was alleged in substance in the libels that the article was misbranded for the reason that the label on each box and the printed circular within each box bore statements, regarding the curative and therapeutic effects of said pills, (box) "Dr. Martel's Female Pills * * * A preparation for (suppression of the menses) Dysmenorrhœa (painful menstruation) and similar functional derangements," (circular) "Dr. Martel's Female Pills. A Scientifically Prepared Remedy for medical purposes for Disturbances of the Menstrual Functions * * * For Amenorrhœa (Suppression of the Menses, due to colds, ill health, and other morbid causes). Take one pill three times daily * * * In all such cases we earnestly recommend that a regular course of treatment with Dr. Martel's Female Pills be taken at each period for three or four months, when our medicine will be found to give lasting benefit and genuine relief," which were false and fraudulent in that the pills contained no ingredients or combination thereof capable of producing the curative or therapeutic effect claimed.

On October 8, 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.*

9000. Adulteration of tankage. U. S. * * * v. Chicago Feed & Fertilizer Co., a Corporation. Plea of guilty to count 1. Fine, \$100 and costs. Remaining counts nolle prossed. (F. & D. No. 9898. I. S. No. 11832-p.)

On May 1, 1920, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment in 5 counts against the Chicago Feed & Fertilizer Co., a corporation, trading at Osborn, Ind., charging shipment by said company, in violation of the Food and Drugs Act, on or about February 14, 1918, in the first count of said indictment (the remaining counts thereof having subsequently been nolle prossed), from the State of Indiana into the State of Illinois, of a quantity of tankage which was adulterated. The article was sold under a contract requiring "about 10% ammonia * * *."

Analysis of a sample of the article from the shipment of February 14 by the Bureau of Chemistry of this department showed that it contained glass and 5.85 per cent of ammonia.

Adulteration of the article was charged in the indictment for the reason that a product containing less than 10 per cent of ammonia had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for tankage containing 10 per cent of ammonia, which the article purported to be, and for the further reason that an added poisonous and deleterious ingredient, to wit, glass, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality.

On July 1, 1920, a plea of guilty to the first count of the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs. Nolle prosequi was entered as to the remaining counts.

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