

5667. Adulteration and misbranding of Mumm's Champagne. U. S. * * * v. 26 Cases of Mumm's Champagne. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12909. I. S. Nos. 14662-r, 14663-r. S. No. E-2343.)

On June 15, 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 a libel for the seizure and condemnation of 26 cases of Mumm's Champagne, consigned by H. G. Mumm & Co., New York, N. Y., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about March 16, 1920, and transported from the State of New York into the State of Pennsylvania, 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 other than unfermented nonalcoholic champagne had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged in substance in the libel for the reason that the package in which the article was enclosed contained a label which bore the following statement, regarding the article and the ingredients and substances contained therein, "H. G. Mumm & Co.'s Extra Dry Champagne Non-alcoholic," which was false and misleading in that the product was a mixture prepared from grape and apple juices, sweetened with sugar, artificially flavored and artificially carbonated. Misbranding was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 2, 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.*

5668. Adulteration of canned salmon. U. S. * * * v. 5,695 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 13006. I. S. No. 3968-r. S. No. W-627.)

On or about July 8, 1920, the United States attorney for the Western District of Washington, 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 5,695 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Alaska Fish Co., Waterfall, Alaska, arriving at Seattle, Wash., on or about November 5, 1919, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Seaketch Brand Pink Salmon Packed in Alaska by Alaska Fish Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On July 30, 1920, the American Oriental Sales Corporation, L. C. Smith Bldg., Seattle, Wash., claimant, having filed a claim and answer to the libel, and it appearing to the court that the evidence produced by libelant in support of the libel was sufficient to establish the allegations of said libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the pro-

ceedings and the execution of a bond in the sum of \$25,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of a representative of this department, the good portion to be released to said claimant and the bad portion destroyed.

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

**8669. Misbranding of Dr. A. W. Chase's Nerve Pills. U. S. * * * v. 15
Dozen Packages of Dr. A. W. Chase's Nerve Pills. Default decree
of condemnation, forfeiture, and destruction. (F. & D. No. 13398.
S. No. C-2299.)**

On September 9, 1920, the United States attorney for the Eastern District of Wisconsin, 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 15 dozen packages of Dr. A. W. Chase's Nerve Pills, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Dr. A. W. Chase Medicine Co., Buffalo, N. Y., on or about June 14, 1920, and transported from the State of New York into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Used in the treatment of * * * nervous prostration * * * nervous headache, nervous dyspepsia * * * irregular heart action, dizziness & fainting, sleeplessness;" (circular) "Nerve Pills * * * impart new life and strength to every organ of the body, create new brain and nerve tissue, and make it next to impossible for the following diseases and symptoms of diseases to set in: Nervous prostration, exhaustion, depression * * * lack of energy, ambition and nerve force, paralysis, and locomotor ataxia * * * diseased blood * * * female troubles, leucorrhœa, (whites), painful, profuse or suppressed menstruation, tardy development of girls, sexual debility, loss of vital forces, premature decay, heart affections, neuralgia, rheumatism, la grippe, and all diseases of the brain and nerves * * * especially suited to the needs of children. * * * weak and puny boys and girls become strong, healthy and robust * * * nourish the blood and nerves * * * nourish the weakened and exhausted nervous system back to health and strength * * * through the nerve fibers, * * * send new vitality through the whole human system * * * nerves * * * must be completely restored by such nourishment as can best be supplied by * * * Nerve Pills, the great restorative * * * loss of sensation in the hands, partial loss of memory * * * dizziness and uncertainty in walking * * * restore the wasted nerve force * * * by strengthening the nerves give them full control of the female organs * * * create new, rich blood * * * contain the life-giving principles that entitle the blood to be called the "vital fluid" * * * make pale weak men and women strong and healthy * * * give to the thin and emaciated a well rounded form which tells of a steady advance in health * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes, ferrous carbonate, arsenic, manganese, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that the labels bore the statements, as hereinbefore set forth, which were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it on said labels.

On October 6, 1920, no claimant having appeared for the property, judgment of condemnation and forfeitures 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.*