

trict Court of the United States for said district a libel for the seizure and condemnation of 1,250 cases of A. B. C. Brand marshmallow creme, at Jersey City, N. J., alleging that the article had been shipped on or about July 17, 1920, by the American Marshmallow & Candy Co., Chicago, Ill., and transported from the State of Illinois into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The cans containing the article were labeled in part, "A. B. C. Brand Marshmallow Creme * * * American Marshmallow & Candy Company, Chicago, U. S. A. * * * 8 ounces when packed."

Examination of 5 cans by the Bureau of Chemistry of this department showed an average net weight of 6.33 ounces.

Misbranding of the article was alleged in the libel for the reason that the package or label bore a statement, to wit, "8 ounces when packed." which was false and misleading and deceived and misled the purchaser into the belief that the package contained 8 ounces of the article, whereas it contained a less amount, and for the further reason that said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On October 5, 1920, the said American Marshmallow & Candy Co., by its representative, Fred E. Zvirin, New York, N. Y., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

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

8916. Misbranding of Madame Dean Female Pills. U. S. * * * v. 9 Packages (Single Strength) and 10 Packages (Special Strength) of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13646. Inv. Nos. 23570, 23571. S. No. C-2468.)

On September 10, 1920, the United States attorney for the District of Nebraska, 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 9 packages (Single Strength) and 10 packages (Special Strength) of Madame Dean Female Pills, remaining in the original unbroken packages at Omaha, Nebr., alleging that the article had been shipped on or about July 5, 1919, and January 20, 1920, by Martin Rudy, Lancaster, Pa., and transported from the State of Pennsylvania into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Female Pills * * * give relief in Female Disorders of the menstrual functions * * * for Painful, Irregular and Scanty Menstruation * * * irregular, prolonged, or suppressed menstruation * * * Female Pills afford relief for these ailments * * * a remedy intended solely for the relief of Amenorrhœa, Dysmenorrhœa, 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 re-establishing or restoring, the menstrual or monthly periods * * * strengthen and build up the uterine function. * * * 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 menstruation * * * should be taken to assist nature with * * * disorders * * * during the change of life period * * * Continue 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 * * * Special Strength * * * should relieve the most obstinate cases.'

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the single strength pills consisted essentially of quinine, aloes, ferrous sulphate, ginger, hydrastis, and cornstarch, and that the special strength pills consisted essentially of quinine, aloes, ferrous sulphate, senecio flowers and herb, and ginger.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the article, were false and fraudulent in that said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 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.*

S917. Misbranding of Madame Dean Female Pills. U. S. * * * v. 3½ Dozen Packages (Single Strength) and 5 Dozen Packages (Special Strength) of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13651, 13652. I. S. Nos. 5345-t, 5346-t, 5139-t. S. Nos. E-2713, E-2714.)

On September 7, 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 3½ dozen packages of Madame Dean Female Pills, Single Strength, and 5 dozen packages of Madame Dean Female Pills, Special Strength, consigned by Martin Rudy, Lancaster, Pa., between November 21, 1918, and May 22, 1920, 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.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the single strength pills consisted essentially of quinine, aloes, ferrous sulphate, ginger, hydrastis, and cornstarch, and that the special strength pills consisted essentially of quinine, aloes, ferrous sulphate, senecio flowers and herb, and ginger.

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, "Female Pills * * * give relief in Female Disorders of the menstrual functions * * * for Painful, Irregular and Scanty Menstruation * * * 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 re-establishing or restoring the menstrual or monthly periods * * * strengthen