

Examination of 40 cans of the article by the Bureau of Chemistry of this department showed an average weight of 15½ ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 1-Lb. Net," borne on the cans containing said article, regarding it, was false and misleading in that the said statement represented that each of the cans contained 1 pound net of the article, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 pound net of the article, whereas, in truth and in fact, each of said cans did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10440. Misbranding of Nervtone tablets. U. S. * * * v. 6 Cartons * * * of Nervtone Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16182. Inv. Nos. 35446, 35614. S. No. E-3772.)

On February 21, 1922, 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 for the seizure and condemnation of 6 cartons of Nervtone tablets, remaining in the original unbroken packages at Lawrence, Mass., alleging that the article had been shipped on or about November 28, 1921, by A. F. Schambier, Manchester, N. H., and transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On one side of carton in English) "Nervtone Tablets 100 No. 1 * * * Tablets 30 No. 2 For Liver or Kidney Troubles Recommended for Dyspepsia. Rheumatism, Indigestion, Nervous Trouble, Diminution of the ordinary vigor of the body and mind, through overwork, mental worry, and all female complaints * * *"; (in French) "Recommended for Dyspepsia, Rheumatism, Indigestion, Nervousness, Exhaustion through work, Loss of Sleep, Pains in the Side or Back, Exhausted Vitality resulting from any cause whatsoever. and all diseases peculiar to women * * *"; (in English on other side of carton and paper envelope inclosed) "Nervtone (No. 2) Tablets useful in * * * Defective Elimination, Liver and Kidney Troubles * * *"; (in French) "* * * indispensable against * * * diseases of the liver and kidneys * * *"; (on leaflet in carton) (English and French) "* * * Nervtone Tablets No. 2 * * * for * * * Liver and Kidney Troubles. Bilious Affections (les Systèmes Bilioux) and Digestive Disorders (la Mauvaise Digestion en général). * * * Serious diseases, such as dyspepsia, gall stones, appendicitis, etc., soon make their presence felt if the stomach and bowels do not work properly. * * * for the speedy relief of * * * the worst forms of digestive troubles. They relieve the stomach by doing a share of its work, * * * Take also Nervtone Tablets No. 1 for Indigestion, Nervousness, Rheumatism, etc. * * *"; (on carton) "No * * * dangerous drug."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the Nervtone Tablets No. 1 contained approximately 1/60 grain of mercuric chlorid, 1/120 grain of strychnine sulphate, 1/100 grain of arsenic trioxid, and 3 grains of iron sulphate each, together with alces and cascara sagrada extract; and that the Nervtone Tablets No. 2 contained approximately 1/120 grain of strychnine sulphate, together with cascara and belladonna extracts and aloes.

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 for the reason that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it; and for the further reason that the statement, to wit, "No * * * dangerous drug," borne and labeled upon the said cartons, regarding the article and the ingredients contained therein, was false and misleading in that said statement represented the article as not being a dangerous drug and as not containing a dangerous ingredient or ingredients, whereas, in truth and in fact, said article was a dangerous drug in that it contained mercuric chlorid, strychnine sulphate, and arsenic trioxid.

On May 16, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10441. Adulteration of shell eggs. U. S. * * * v. Warren S. Woolsey. Plea of guilty. Fine, \$5. (F. & D. No. 16015. I. S. No. 11005-t.)

On April 7, 1922, 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 an information against Warren S. Woolsey, Dalton, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 16, 1921, from the State of Nebraska into the State of Colorado, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination, by the Bureau of Chemistry of this department, of a sample of the article, consisting of 540 eggs taken from 3 cases, showed the presence of 29 black rots, 110 mixed or white rots with black moldy spots, and 387 spot rots with black moldy spots, a total of 526, or 97.4 per cent, inedible eggs.

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

On June 12, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10442. Adulteration of oysters. U. S. * * * v. Emil Edward Borst (National Fish & Oyster Co.). Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 16000. I. S. No. 6037-t.)

On April 19, 1922, 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 an information against Emil Edward Borst, trading as the National Fish & Oyster Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 10, 1921, from the State of Maryland into the State of Pennsylvania, of a quantity of an article of food, to wit, oysters, which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the article purported to be.

On April 19, 1922, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10443. Adulteration of shell eggs. U. S. * * * v. Reddick Lee Crenshaw (R. L. Crenshaw). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15840. I. S. No. 3352-t.)

On January 10, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Reddick Lee Crenshaw, trading as R. L. Crenshaw, Dyer, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 21, 1921, from the State of Tennessee into the State of Alabama, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination, by the Bureau of Chemistry of this department, of a sample of the article, consisting of 540 eggs taken from 3 cases, showed the presence of 9 black rots, 15 mixed or white rots, 6 spot rots, and 10 blood rings, a total of 40, or 7.4 per cent, inedible eggs.

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

On April 24, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*