

Wonder Herb Tea," on the labels, which represented and suggested that the article was a spring and summer tonic; that it was an herb preparation and would be efficacious to clean the blood; that it would be of special value to persons over the age of thirty, and that it would be efficacious in the cure, mitigation, treatment, or prevention of stomach distress due to excess acid, indigestion, headache, gas, constipation, rheumatism, and the various similar conditions indicated by the abbreviation "etc."; (3) in that its labeling failed to bear adequate directions for use since the directions appearing on the labels suggested and implied that the article should be taken continuously, whereas it was a laxative and continuous use might cause dependence on laxatives to move the bowels; and (4) in that the labeling failed to bear warnings that frequent or continued use might result in dependence upon laxatives to move the bowels.

A portion of the article known as "Natura" and "Nu-Vita" was alleged to be misbranded further because of false and misleading statements in the labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of dizziness from high and low blood pressure, in the treatment of backache, and in the prevention of getting up nights; and that another article, "Gen Sen," would be efficacious in the purification of the blood, and in the cure, mitigation, treatment, or prevention of high blood pressure, rheumatism, backache, getting up nights, child bed wetting, and swollen feet.

On June 16, 1944, the defendant entered a plea of guilty and the court imposed a sentence of 3 months' imprisonment, which was suspended, and placed the defendant on probation for a period of 1 year.

**1259. Misbranding of Nervine, Q. B. Tonic, I-Do-Lax, Q. B. Skin Aid, Sen-San Diuretic Compound, Equine Antimalarial, and Veterinary Specific. U. S. v. J. W. Quinn Drug Co. and John W. Quinn. Pleas of nolo contendere. Corporate defendant fined \$50 on count 1, which was to be paid; also \$100 on each of the remaining 6 counts, which was suspended. Imposition of sentence against individual defendant was indefinitely suspended. (F. D. C. No. 10618. Sample Nos. 5851-F to 5853-F, incl., 5856-F, 5857-F, 9441-F, 9447-F.)**

On March 23, 1944, the United States attorney for the Northern District of Mississippi filed an information against the J. W. Quinn Drug Co., a corporation, Greenwood, Miss., and John W. Quinn, president of the corporation, alleging shipment of quantities of the above-named products between the approximate dates of April 14, 1942, and January 30, 1943, from the State of Mississippi into the States of Tennessee and Louisiana.

Analysis of the Nervine disclosed that it was a light brown, aromatic, slightly turbid, salty liquid, consisting essentially of ammonium, potassium, and sodium bromides. The article was alleged to be misbranded because of false and misleading statements and designs in an accompanying circular which represented and suggested that the article would enable the user to sleep soundly and to become packed with energy; that it contained no substances which might be harmful; that it would be efficacious in the treatment of irritability and nervousness due to worry, overwork, and overexcitement; that it would preserve health, make one healthy, prevent sleepless nights, overcome a tired, lazy, no-good, run-down feeling, and enable the user to get a full, sound night's sleep and awake feeling refreshed.

Analysis of the Q. B. Tonic disclosed that it was a yellow, transparent liquid containing 1.84 grams per 100 ml. of quinine as quinine bisulfate, together with iron, magnesium, and nitrate. The article was alleged to be misbranded because of false and misleading statements in an accompanying circular which represented and suggested that the article would give the user energy, overcome laziness, and enable the user to sleep better; that it would be efficacious in the treatment of aches and pains in the back and legs, and in the cure, mitigation, treatment, or prevention of feverish or run-down conditions; and that it would improve the appetite and make the user feel energetic and strong.

Analysis of the I-Do-Lax disclosed that it was a clear, dark brown liquid, having a salty, slightly astringent taste, and consisting essentially of Epsom salt, potassium iodide, and iron chloride. The article was alleged to be misbranded because of false and misleading statements on its labels and false and misleading statements and a design in an accompanying circular which represented and suggested that the article would be efficacious in the treatment of disorders of the blood; that it would enable the user to overcome a run-down, tired, weak, and achy feeling; that it would be efficacious in the treatment of headaches, circles under the eyes, nervousness, gas and bloating, dry skin, backache, physical weakness, burning, smarting, itching, leg pains, swollen ankles, dizziness, loss of vigor, acidity, disturbed digestion, bladder weakness, and getting

up nights; and that it would be useful for treating diseases generally. The article was alleged to be misbranded further (1) in that the name "I-Do-Lax" was false and misleading since it represented and implied that the article was an effective laxative when used as directed, "One tablespoonful in water 3 times a day," whereas the article contained insufficient laxative ingredients to constitute it an effective laxative when used as directed; and (2) in that its labeling was misleading since it failed to reveal the fact that it contained but a small proportion of magnesium sulfate (Epsom salt), which fact was material in the light of the representation on its labels, "Iodide of Potash Compound with Iron and Magnesium Sulfate."

Analysis of the Q. B. Skin Aid disclosed that it was a clear, greenish yellow, volatile liquid having an aromatic and phenolic odor, and consisting essentially of carbolic acid, alcohol, salicylic acid, benzoic acid, menthol, and eucalyptol. The article was alleged to be misbranded because of false and misleading statements on its labels and in an accompanying circular which represented and suggested that the article would allay irritation of the skin, promote healing, and would be efficacious in the treatment of skin ailments generally; that it would rapidly kill fungi, help clean healing, and guard against and ward off infection; that it would be efficacious in the treatment of eczema itch, skin irritations, and painful sunburn; and that it would soothe the skin. The article was alleged to be misbranded further in that it contained carbolic acid, and its labeling failed to bear a warning that it might cause harmful effects if applied to the fingers or toes and bandaged, or if applied to large areas of the body.

Analysis of the Sen-San Diuretic Compound disclosed that it was a dark brown liquid containing 0.235 gram per 100 ml. of salicylic acid, together with senna, sodium, and citrate. The article was alleged to be misbranded because of false and misleading statements on its label and in an accompanying circular which represented and suggested that it would help the kidneys in their necessary action of elimination; that it would be efficacious in the treatment of frequent urination or burning on urination, kidney ailments, gas and bloating, physical weakness, circles under the eyes, swollen ankles, leg pains, dizziness, and loss of vigor; and that it would be of value in the treatment or prevention of headache, puffy eyes, legache, nervousness, backache, tiredness, loss of pep, getting up nights, or the complications resulting therefrom. The article was alleged to be misbranded further in that its labeling failed to bear adequate directions for use since the directions in its labeling suggested and implied that it should be taken continuously, whereas it was essentially a laxative and should be taken only occasionally, as needed.

Analysis of the Equine Antimalarial disclosed that it was a saline solution containing sodium cacodylate equivalent to 44.4 grains anhydrous sodium cacodylate per 15 cc. ampul, or about 60 grains sodium cacodylate N. F. VII. The article was alleged to be misbranded because of false and misleading statements on its labels which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of malaria in horses, mules, and cattle.

Analysis of the Veterinary Specific disclosed that it was a clear liquid containing chloral hydrate, potassium bromide, and the alkaloids strychnine and arecoline. The article was alleged to be misbranded because of false and misleading statements on its labels which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of gas and water colic in horses, mules, and cows; and in that its labeling did not bear appropriate directions and adequate warnings that it should not be administered over a long period of time.

On April 26, 1944, pleas of nolo contendere having been entered on behalf of the defendants, the court fined the corporate defendant \$50 on count 1, which was paid. The court also fined the corporation \$100 on each of the remaining 6 counts, but suspended payment. Imposition of sentence of the individual defendant was suspended indefinitely.

**1260. Adulteration and misbranding of Pep-O-Sol Tablets, and misbranding of Vital-X Spray. U. S. v. Clarence A. Near (Near Chemical Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 11423. Sample Nos. 8169-F, 8170-F.)**

On July 10, 1944, the United States attorney for the District of Minnesota filed an information against Clarence A. Near, trading as the Near Chemical Co., Minneapolis, Minn., alleging shipment of quantities of the above-named products from the State of Minnesota into the State of Wisconsin on or about June 5 and July 19, 1943.