

PRODUCT: Analysis disclosed that the product consisted essentially of water, extracts of plant drugs including strychnine and an emodin-bearing drug together with a trace of an iron compound.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article and in an accompanying booklet entitled "Guide to Health" were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of anemia, syphilis, dyspepsia, indigestion, dizziness, poor circulation, sleeplessness, nervousness, constipation, weakness, and general debility; that it would be efficacious as a digestant and a blood purifier; that it would be efficacious in toning the stomach, liver, and nerves; that it would be efficacious in the cure, mitigation, and treatment of persons who were overworked, weak, run-down, had no appetite, felt "old," whose blood was thin, whose heart was weak, who couldn't sleep, whose liver and stomach were out of order, and who were depressed and felt the need of new life; that the article would refresh and invigorate tired women; that it was a tonic for brain workers; that it would ironize the blood, increase body strength, aid the stomach, and increase mental force; that it possessed nerve and muscle building qualities; that it would be beneficial in building up the system when suffering from catarrh; that it would strengthen the stomach, aid digestion, and remove the cause of nervousness; that it would bring back strength and vitality; that it was an effective treatment for constipation, catarrh, and kidney and rheumatic complaints; that it would furnish rich blood to pale people, give life and snap to the overworked and run-down, and make the old folks feel strong; that it would drive out all poisons and impurities of the blood; that the juice of the papaw was more efficacious than pepsin in dissolving albumin and was an excellent vermifuge; and that the article was a great stomach, blood, heart, and nerve tonic. The article would not effect the results suggested or implied by the labeling.

Further misbranding, Section 502 (i) (1), the bottles containing the article were so made, formed, and filled as to be misleading, since they had long necks, were indented on sides, fronts, backs, and bottoms, and were closed with a long cork, by reason of which the bottles contained a smaller amount of the article than bottles of their size should contain.

DISPOSITION: May 22, 1945. Pleas of guilty and nolo contendere having been entered on behalf of the association and the individual defendant, respectively, the court imposed a fine of \$250 against the association and gave the individual defendant a 6 months' suspended sentence and placed him on probation for 1 year.

1582. Misbranding of Pancrezyme Tablets and Obeto Ampuls. U. S. v. Ziegler Pharmacal Co. Plea of guilty. Fine, \$400. (F. D. C. No. 14306. Sample Nos. 53727-F, 78209-F.)

INFORMATION FILED: April 17, 1945, Western District of New York, against the Ziegler Pharmacal Co., a partnership, Buffalo, N. Y.

ALLEGED SHIPMENT: On or about March 12 and 23, 1944, from the State of New York into the States of Pennsylvania and California.

PRODUCT: Analyses disclosed that the *Pancrezyme Tablets* contained enzymes such as pancreatin and an extract of bile; and that the *Obeto Ampuls* consisted of a water solution in ampuls, each 2 cubic centimeters of which contained an extract from 1 grain of thyroid.

NATURE OF CHARGE: *Pancrezyme Tablets*, misbranding, Section 502 (a), the label statement, "In mild cases of diabetes, Pancrezyme, combined with a restricted diet, has been found very efficient in reducing and controlling sugar," was false and misleading since the article would have no effect in reducing and controlling sugar in the treatment of diabetes.

Obeto Ampuls, misbranding, Section 502 (a), the label statement, "Active principles of adrenal cortex, anterior pituitary, * * * ovarian, lymphatic, pituitary posterior, thymus," created the false and misleading impression that the article contained the active principles of adrenal cortex, anterior pituitary, ovarian, and posterior pituitary in amounts sufficient to be of therapeutic importance, and that lymphatic and thymus tissues were active principles, whereas the article contained insignificant amounts of adrenal cortex, anterior pituitary, ovarian, and posterior pituitary, and lymphatic and thymus tissues contain no known active principles. Further misbranding, Section 501 (e) (2), the article was fabricated from two or more ingredients and contained a prepa-

ration of thyroid, but its label failed to bear a statement of the quantity or proportion of the preparation of thyroid.

DISPOSITION: May 10, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 on each count, a total fine of \$400.

1583. Misbranding of Contour-Molde "Face Lifting" Bandage. U. S. v. Eunice Skelly (Eunice Skelly House of Youth). Plea of guilty. Fine, \$300 and 6 months' suspended jail sentence. Defendant placed on probation for 6 months. (F. D. C. No. 11349. Sample No. 2273-F.)

INFORMATION FILED: August 4, 1944, Southern District of New York, against Eunice Skelly, trading as Eunice Skelly and the Eunice Skelly House of Youth, New York, N. Y.

ALLEGED SHIPMENT: On or about November 27, 1942, from the State of New York into the State of Illinois.

PRODUCT: A device known as the *Contour-Molde "Face Lifting" Bandage*, which was a part of a so-called "Deluxe Rejuvenating Kit" which contained various cosmetic preparations to be used in conjunction with the device.

The device was a strip of flesh-colored, elastic-weave cloth 17 inches long and 4 inches wide and stretching lengthwise only. Shipped with the device were certain circulars entitled "The Eunice Skelly Contour Molde," "Eunice Skelly presents her," and "Eunice Skelly's Brochure."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the device would be efficacious to lift the face, restore youthful contours to the face, and produce a passive massage action which would stimulate and support the muscles and thereby help prevent sagging of the muscles; that it would be efficacious to prevent and overcome sagging muscles, double chin, crepy throat and crepy neck; and that it would be efficacious to rejuvenate one physically and mentally. The article would not be efficacious for the purposes recommended and suggested.

The information also alleged that certain cosmetics which were to be used in conjunction with the device were misbranded under the provisions of the law relating to cosmetics, as reported in notices of judgment on cosmetics, No. 122.

DISPOSITION: August 10, 1944. A plea of guilty having been entered, the defendant was fined \$300 and sentenced to 6 months' imprisonment. The jail sentence was suspended and the defendant was placed on probation for 6 months.

1584. Misbranding of Bonquet Tablets. U. S. v. 1 Dozen Bottles and 9½ Dozen Bottles of Bonquet Tablets. Tried to the court. Case dismissed on motion. Appeal taken to United States Circuit Court of Appeals. Reversed and remanded. Consent decree of condemnation and destruction. (F. D. C. No. 8086. Sample Nos. 24605-F, 24606-F.)

LIBEL FILED: August 10, 1942, District of Maryland; libel amended September 10, 1942, to cover seizure of additional lot of 2 ½ dozen bottles.

ALLEGED SHIPMENT: On or about April 1 and May 8, 1942, by the Bonquet Laboratories, from Glendale, Calif.

PRODUCT: 3 ½ dozen 400-tablet bottles and 9 ½ dozen 150-tablet bottles of *Bonquet Tablets* at Baltimore, Md. Accompanying the product were a number of booklets entitled "Adds New Fighting Blood in 9 days." They had been shipped sometime prior to the shipment of the product.

Microscopic examination indicated that the product consisted essentially of dried brewer's yeast, milk sugar, dried leafy plant material, and approximately 1 grain of mineral matter per tablet.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements appearing in the labeling of the article were false and misleading in that they implied that the article, when taken as directed, would be a consequential supplement to the ordinary diet with respect to the minerals, fat, protein, carbohydrate, and caloric content, whereas it would not be a consequential adjunct to the diet with respect to those nutritional requirements: "Nutritional Data For Physicians And Dietitians Moisture . . . 10.11% Ash (Mineral Matter) . . . 10.81% Fat (Ether Extract) . . . 2.91% Protein (N x 6.25) . . . 33.25% Crude Fiber . . . 4.84% Carbohydrates other than crude fiber (by difference) . . . 38.08% Calories per pound . . . 1414 Total Alkalinity of Ash . . . 193 (No. of c.c. of 0.1 Normal acid required to neutralize the ash from