

2824. Misbranding of Abbe Hamon Formula Nos. 2, 4, 6, 8, 11, 12, 13, 14, 15, and 16, Abbe Hamon Tea No. 18, and Abbe Hamon Pommade Cure No. 3. U. S. v. 4 Cans, etc. (F. D. C. No. 27229. Sample Nos. 5842-K, 5844-K, 5846-K, 5848-K, 5851-K to 5856-K, incl., 5858-K, 5862-K.)

LIBEL FILED: On or about May 25, 1949, District of Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of August 19, 1947, and March 9, 1949, by the Botanical & Marine Laboratories, from Manchester, N. H.

PRODUCT: 40 cans of *Abbe Hamon Formulae*, 4 cans of *Abbe Hamon Tea No. 18*, and 2 tubes of *Abbe Hamon Pommade* at Central Falls, R. I., together with a number of leaflets entitled "Abbe Hamon's 20 Herb Teas." An additional leaflet entitled "This herb Formula is one of the Twenty" was enclosed in each can of the *Formula No. 11* and *Tea No. 18*. Analyses showed that the *Tea No. 18* consisted essentially of shepherd's-purse leaves, inula root, peppermint leaves, and hazel leaves, and that each of the other products possessed essentially the composition stated on the label.

LABEL, IN PART: "Abbe Hamon Formula * * * ["No. 2 Ingredients: Bark; Oak. Leaves: Bilberry, Horsetail, Woodruff, Roots; Woodruff, Angelica. Vehicle; Hazel leaves," "No. 4 Ingredients: Bark; Oak. Leaves; Catmint, Centaury, Walnut; Roots; Gentian, Calamus. Vehicle: Hazel leaves." "No. 6 Ingredients: Lime, Elder and Feverfew Flowers; Poppy Petals; Oak and Mistletoe Leaves; Nenuphar and Valerian Roots; Hazel Leaves as a vehicle," "No. 8 Ingredients: Bark; Frangula. Leaves; Artemisia, Wormwood, White Horehound. Seeds; Parsley. Vehicle; Hazel leaves," "No. 11 Ingredients: Leaves; Box. Roots; Couchgrass, Patience dock, Liquorice. Seaweed; Fucus Vesiculosus. Vehicle; Hazel leaves," "No. 12 Ingredients: Bark; Frangula. Flower; Scabiosa. Leaves; Chicory, Box, Centaury, St. Johns Wort. Roots; Fumitory, Cough Grass; Gentian. Vehicle; Hazel leaves," "No. 13 Ingredients: Flowers; Lavender. Leaves: Origan. Marjoram. Seeds: Angelica, Anis, Caraway, Coriander, Fennel. Roots; Angelica. Vehicle; Hazel leaves," "No. 14 Ingredients: Bark; Oak. Leaves; Woodruff, Shepherd's-purse. Roots; Bistort Liquorice. Vehicle; Hazel leaves," "No. 15 Ingredients: Flowers; Bugloss. Leaves; White Horehound, Oak Pulmonaria, Borage, Hedge Mustard, Eucalyptus. Roots; Inula, Comfrey. Vehicle; Hazel leaves," and "No. 16 Ingredients: Flowers; Genista, Leaves; Woodruff, Centaury, Gratiola. Roots; Burdock, Thistle Rolland, Liquorice. Seeds; Carrot. Vehicle; Hazel Leaves"]" or "Abbe Hamon Tea No. 18" or "Abbe Hamon * * * Cure No. 3—Pommade."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the articles were false and misleading since the articles were not effective in the treatment of the conditions or for the purposes stated and implied. The statements represented and suggested that the *Formula No. 2* would be effective as a mild diuretic, purgative, and stimulant, and as an adjunct in the treatment of Albuminuria, Bright's disease, and derivatives; that *Formula No. 4* would be effective in the treatment of anemia and puberty and would be beneficial for pale people; that *Formula No. 6* would be effective in the treatment of neurasthenia, epilepsy, nervous disease, and St. Vitus's dance; that *Formula No. 8* would be effective as a stimulant, astringent, diuretic, and tonic, and as an adjunct in the treatment of menstrual irregularity, insufficiency, menopause, puberty, painful periods, and change of life; that the *Formula No. 11* would be effective in the treatment of obesity, paralysis, high blood pressure, and arteriosclerosis; that *Formula No. 12* would be effective in the treatment of skin troubles, pimples, acne, and rashes; that *Formula*

No. 13 would be effective in the treatment of stomach complaints, with the exception of ulcers; that *Formula No. 14* would be effective as an astringent and emollient and as an adjunct in the treatment of bad circulation, varicose veins, piles, congestion, phlebitis, and hemorrhage; that *Formula No. 15* would be effective as a tonic, emollient, diuretic, and astringent, and as an adjunct in the treatment of coughs, bronchitis, asthma, catarrh, grippe, emphysema, and tuberculosis; that *Formula No. 16* would be effective in the treatment of heart, kidney, liver, and urinary troubles; that the *Tea No. 18* would be effective in the treatment of ulcers of the stomach and the intestines, morning sickness, sea sickness, and ulcerated stomach and intestines; and that the *Pom-made* would be effective in the treatment of "rhumatismes," "douleurs arthritiques," "goutte," and "sciatique."

The above articles were misbranded when introduced into, and while in, interstate commerce, and while held for sale after shipment in interstate commerce.

DISPOSITION: June 27, 1949. Default decree of condemnation and destruction.

2825. Supplement to notices of judgment on drugs, No. 1326. U. S. v. Elmer J. Dailey (Dailey's Laboratories). (F. D. C. No. 11424. Sample Nos. 57639-F, 57640-F.)

On September 15, 1944, following a verdict of guilty on charges based upon the interstate shipment of misbranded drugs known as *Sugretus* and *Sunol*, the court imposed a fine of \$250 and placed the defendant on probation for 5 years.

On February 10, 1948, a hearing was held to revoke the probation of Mr. Dailey; and at the conclusion of all testimony, the court found that the defendant was guilty of misbranding *Sugretus* while on probation, in the same manner as was charged in the original proceedings. The court thereupon revoked Mr. Dailey's probation and imposed a fine of \$750 and costs.

2826. Misbranding of Neg-A-Pos heel plates. U. S. v. 84 Devices, etc. (F. D. C. No. 27267. Sample No. 8536-K.)

LIBEL FILED: May 25, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about January 1949, from Manchester Center, Vt.

PRODUCT: 84 devices known as *Neg-A-Pos* at Hackensack, N. J., in the possession of Mr. G. V. Crowell, together with a number of leaflets entitled "Neg-A-Pos" which Mr. Crowell had printed locally. The device consisted of a copper and zinc plate, each pasted to a piece of flannel.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the accompanying leaflets were false and misleading since the device was not effective in the treatment of the conditions stated and implied nor for the purposes mentioned: "Neg-A-Pos relieves Arthritis & Sacrailliac Back, stiffness and pain due to Rheumatism and muscular pains * * * It Stimulates the Natural electrical impulses of the System and helps Nature in a natural way to Exude or carry off accumulated deposits which cause pain and stiffness. You will note a Comfortable Warming of the Feet within a few hours which is a Natural Action. * * * In the Heel they come in Contact with the Large Nerve and Blood Vessels of the Leg. That is where they start to work." The devices were misbranded while held for sale after shipment in interstate commerce.