

and consisting of empty envelopes, remittance blanks, order blanks, and form letters headed "An Important Message For You" and form letters marked "Palmo #1," "Palmo #2," and "Palmo C-1."

RESULTS OF INVESTIGATION: The tablets contained in the envelopes were re-packed by the consignee from the lot of *Special Formula tablets* shipped in bulk.

LABEL, IN PART: (Drum) "Special Formula Tablets * * * Each tablet contains theobromin, sodium salicylate, potassium citrate, extract buchu and extract uva ursi (beanberry)"; (envelope) "Palmo Tablets * * * Distributed by H. D. Powers Company 120 Greenwood Avenue, Battle Creek, Michigan."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the tablets, namely, in the above-mentioned printed matter accompanying the tablets, were false and misleading. The statements represented and suggested that the tablets (both lots) were an adequate and effective treatment for frequent desire to urinate and for urinary conditions due to irritation of the bladder and urinary tract. The tablets were not an adequate and effective treatment for such conditions.

DISPOSITION: September 5, 1952. Mabel Powers, owner of the product, having entered an appearance and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the tablets, in bulk and as repackaged, and the printed matter be destroyed.

3876. Misbranding of Menestrex capsules. U. S. v. 28 Bottles, etc. (F. D. C. No. 33348. Sample No. 2614-L.)

LIBEL FILED: July 15, 1952, Southern District of Georgia.

ALLEGED SHIPMENT: On or about June 21, 1951, by the Rex Laboratory, from Nashville, Tenn.

PRODUCT: 28 12-capsule bottles of *Menestrex* and 7 25-capsule bottles of *Menestrex Extra Strength* at Augusta, Ga. Examination showed that the 12-capsule bottles of the product contained approximately 3.8 grains per capsule of quinine sulfate and 0.62 grain per capsule of potassium permanganate and that the 25-capsule bottles contained approximately 3.8 grains per capsule of quinine sulfate and 0.87 grain per capsule of potassium permanganate.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Menestrex * * * For easing distress in scanty or functionally difficult menstruation * * *" was false and misleading since the article (both lots) was not efficacious to ease distress in scanty or functionally difficult menstruation.

DISPOSITION: October 29, 1952. Default decree of condemnation and destruction.

3877. Misbranding of worm syrup. U. S. v. 11 Dozen Bottles * * *. (F. D. C. No. 33094. Sample No. 8977-L.)

LIBEL FILED: April 30, 1952, Northern District of Indiana.

ALLEGED SHIPMENT: On or about February 21, 1952, by Northville Laboratories, Inc., from Northville, Mich.

PRODUCT: 11 dozen 2-ounce bottles of *worm syrup* at Fort Wayne, Ind.

LABEL, IN PART: "Hill's Peerless Worm Syrup Alcohol, 11% Contains Pink Root, Senna and Anise For Round Worms."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle and carton labels of the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for roundworms in humans, whereas the article was not effective for this purpose.

DISPOSITION: Northville Laboratories, Inc., the shipper of the product, filed an answer to the libel denying that the product was misbranded as alleged. Thereafter, the Government filed a set of interrogatories to be answered by the shipper. Answers to the interrogatories were filed on August 21, 1952, in which the shipper admitted that the product was not an effective treatment for all species of roundworms in humans. Thereafter, the shipper advised that it did not wish to contest the action further; and accordingly, a decree was entered on December 23, 1952, providing for the condemnation and the destruction of the product.

3878. Adulteration and misbranding of Whitmer's Blue Ribbon Condition Powder and misbranding of Whitmer's Eureka and Whitmer's Black Diamond Liniment. U. S. v. 15 Bags, etc. (F. D. C. No. 31709. Sample Nos. 3467-L, 3471-L, 3472-L.)

LIBEL FILED: September 14, 1951, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 10, 1950, and April 4, 1951, by H. C. Whitmer Co., Inc., from Columbus, Ind.

PRODUCT: 15 50-pound bags of *Whitmer's Blue Ribbon Condition Powder*, 4 cases, each containing 24 11-fluid-ounce bottles, of *Whitmer's Eureka*, and 4 cases, each containing 24 11-fluid-ounce bottles of *Whitmer's Black Diamond Liniment*, at Suffolk, Va., together with accompanying labeling consisting of various issues of a circular entitled "Whitmer Pep" which had been received by the consignee via the U. S. Mail on various dates.

Analysis showed that the *Whitmer's Blue Ribbon Condition Powder* yielded crude ash 26.95 percent, crude protein 2.55 percent, crude fat 0.54 percent, and crude fiber 18.45 percent; that the *Whitmer's Eureka* contained 3.6 percent of sodium acetate, extracts of plant drugs, 12.6 percent by volume of alcohol, and water (inspection showed that 1 tablespoonful contained more than 2 average doses of laxatives, and the directions called for 4 tablespoonfuls per day); and that *Whitmer's Black Diamond Liniment* consisted essentially of turpentine oil, pine oil, linseed oil, and camphor.

LABEL, IN PART: (Whitmer's Blue Ribbon Condition Powder) "For Horses, Cattle, Hogs & Sheep * * * Complete Chemical Analysis Moisture 9.15% Crude Ash 19.20% Crude Protein 8.90% Crude Fat 2.00% Crude Fiber 14.50% Nitrogen Free Extract 46.25% * * * This Condition Powder Is not A Food but A Medicine"; (Whitmer's Eureka) "Alcohol 15% * * * Directions—Take one tablespoonful just before meals or soon after and at bedtime"; (Whitmer's Black Diamond Liniment) "Active Ingredients: Turpentine Fractions, Linseed Oil, Camphor, Pine Oil."

NATURE OF CHARGE: *Whitmer's Blue Ribbon Condition Powder*. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since it yielded more crude ash and crude fiber and less crude fat and crude protein than it was represented to contain. Misbranding, Section 502 (a), the following statements appearing in the labeling were false and misleading since the article would yield less crude protein and crude fat and more crude ash and crude fiber than declared,