

4782. Misbranding of "Stuart's Calcium Wafer Compound." U. S. * * * v. 145 Dozen Cartons of "Stuart's Calcium Wafer Compound." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7435. I. S. No. 20667-1. S. No. W-92.)

On or about May 22, 1916, the United States attorney for the District of Colorado, 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 145 dozen cartons, more or less, of "Stuart's Calcium Wafer Compound," consigned by the F. A. Stuart Co., Marshall, Mich., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped, on or about October 27, 1915, and transported from the State of Michigan into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The cartons were labeled, in part: "Stuart's Calcium Wafer Compound * * * For Eruptions, Scrofula, * * * Constipation, * * * Liver Troubles, * * * and disorders, and symptoms, arising from impure blood." Each of the wooden boxes contained in the cartons was labeled, in part: "Stuart's Calcium Wafer Compound. For Constipation, Blood Disorders, Skin Affections, any Derangement of Blood, Bowels, Kidneys, or Liver. Directions * * * If bowels do not move freely double the dose, as the preparation is perfectly harmless * * *." One of the circulars accompanying the article contained, among other things, the following: "Blood Troubles And Skin Diseases." "Calcium Sulphide * * * the most powerful blood purifier known." "Children may take it with freedom and their delicate organisms thrive with its use." "Skin diseases are relieved when the blood is charged with this great eradicator." "The blood at once feels its influence and eruptions cease * * *." "No matter what degree of eruptive skin trouble you may have, Stuart's Calcium Wafer Compound will purify and enrich the blood. The liver is aided, the stomach re-inforced, and skin diseases are assailed from their source." "For chronic or temporary blood disorders and skin diseases these wafers are without an equal." "If obstinate constipation of the bowels is present, the dose may be increased until satisfactory movement is secured, as they are entirely harmless. * * *." The other circular accompanying the article contained, among other things, the following: "Stuart's Calcium Wafer Compound should be used in connection with Stuart's Dyspepsia Tablets in all cases where the bowels are at all constipated, as they remove this condition speedily, safely and without pain or griping." "Should be used to enrich and purify the blood; * * * containing no poisonous ingredients * * *." "* * * will relieve and prevent constipation and thereby keep the liver and bowels in normal, healthy condition." "People who need a laxative, a good tonic [not a stimulant] or who suffer from skin eruptions, blood disorders or nervous weakness of any kind, will find in these Wafers a perfectly safe remedy." "Costs more than pills for constipation, but it is worth more than the difference in price, because in the first place it is far safer, * * *." "Stuart's Calcium Wafer Compound contains no alcoholic stimulant, opiate or mercury, iodide potassium, or similar poisons. It can be safely used by any person, man, woman, or child, with the assurance that no possible injury can result from its use." "* * * will infuse renewed energy and strength into the exhausted nerves, the over-worked brain or muscular system, * * * containing in concentrated form all the elements to repair nerve tissue and depleted blood." "* * * restoring the normal action of the bowels, liver and excretory organs, * * *." "For Skin Diseases, Eruptions, Boils and Pimples. The Wafers act beneficially and satisfactorily in many cases, causing the absorption of humors, boils and carbuncles in a few days time."

Misbranding of the article was alleged in the libel for the reason that it contained poison, namely, strychnine [whereas it was represented as perfectly harmless], and for the further reason that it did not contain ingredients or combinations of ingredients capable of producing the therapeutic effects, or any thereof, claimed for it on said brands and labels and in said circulars as above set forth.

On June 30, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*