

4864. Misbranding of "Aphro Lymphatic Compound." U. S. * * * v. National Animal Products Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 6611. I. S. No. 3280-h.)

On December 30, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Animal Products Co., a corporation, Chicago, Ill., alleging shipments by said company, in violation of the Food and Drugs Act, as amended, on or about November 1, 1913, from the State of Illinois into the State of Washington, of a quantity of "Aphro Lymphatic Compound" which was misbranded. The article was labeled: (On bottle) "Directions One Capsule Three Times a Day After Meals National Animal Products Co." (On wrapper) "Aphro Lymphatic Compound The Great Restorative For Lost Vitality For Men and Women Price \$2.00 Per Bottle. Distributed only by The National Animal Products Co. 407 Wells Street Chicago, Ill. Aphro Lymphatic Compound is a fine blood and nerve tonic and is indicated in all cases of lost vitality, loss of memory, irritability, depression, sleeplessness due to nervous debility, melancholy, neurasthenia and all nervous disorders. Aphro Lymphatic Compound is unequaled as a general tonic and rejuvenator for men and women. Guaranteed by the National Animal Products Co., under the Food and Drugs Act of June 30, 1906." The leaflet accompanying the article included, among other things, the following statements: "Aphro Lymphatic Compound A new remedy originated after many years of experimenting. Different from any other product on the market. A combination of highly efficacious remedies obtained from the animal and vegetable kingdoms. In this preparation we have the most efficacious remedies known to medical science for the treatment of weakened genital organs. If you have disobeyed the laws of nature and you are a sufferer, this preparation taken according to directions, will afford you prompt relief. To those who are taking the treatment, we would advise while under the treatment to be very moderate in their habits and avoid the use of intoxicating liquors. The following directions will serve for those suffering from the following conditions: Varicocele, Prostatitis and allied diseases, take one capsule three times a day after meals; bathe the testicles and surrounding parts in salt water, one-half teacup of common salt to one quart of water, morning and evening; eat plain diet and keep bowels open. To those who are suffering from Neurasthenia, Melancholia, Sleeplessness, Nervous Debility, Irritability, Loss of Memory, Seminal Weakness, Lost Vitality, Lost Manhood, etc., take one capsule three times a day. Keep the bowels open. Take salt hand bath upon arising."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the article consists of a gelatin capsule containing cottonseed oil and a pill containing iron, calcium, sulphates, carbonates, nitrogenous and fatty material, together with small amounts of phosphates and alkalis.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels aforesaid, to wit, on wrapper, "The Great Restorative for Lost Vitality * * * indicated in all cases of lost vitality, * * *" and included in the leaflet aforesaid, to wit, "Aphro Lymphatic Compound A new remedy * * * A combination of highly efficacious remedies * * * will serve for those suffering from * * * Varicocele, Prostatitis * * * Lost Vitality, * * *," were false and fraudulent in this, that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth and falsity, so as to represent falsely and fraudu-

lently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole or part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a restorative of lost vitality and as a remedy for varicocele, prostatitis, and lost vitality when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On May 13, 1916, the defendant company entered a plea of guilty to the information, and the case was taken under advisement. On July 21, 1916, the court imposed a fine of \$100 and costs on the foregoing plea.

CARL VROOMAN, *Acting Secretary of Agriculture.*