

unbroken packages at Seattle, Wash., alleging that the article had been shipped by the California Fig-Nut Company, Inc., from Orange, Calif., on or about March 6, 1928, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the following statements, (package label) "A scientific Health Food * * * A Natural Corrective for Constipation California Fig-Nuts Agar * * * This food is recommended by leading physicians for those who are troubled with long standing chronic constipation, * * * lubricating the walls of the intestines, increasing peristaltic action, and carrying this moisture to the lower bowel, softening the stool, furnishes a very easy, thorough cleansing. Unlike a purgative, cathartic, or other artificial means there is no tendency to weaken or irritate, the results are soothing and effective. * * * It is considered an excellent diet for diabetics when used on the advice of a physician. * * * In obstinate cases of Chronic Constipation, four tablespoonfuls twice a day until desired effect, then reduce to once a day," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

Misbranding was alleged for the further reason that the following statements, (package label) "California Fig-Nuts Agar * * * California Fig-Nut Cereal Natural Laxative A Scientific Health Food Naturally Laxative * * * Fig-Nuts Agar is * * * semi-digested. It * * * is thoroughly digested in 60 minutes," were false and misleading.

On June 18, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15816. Misbranding of Brooten's kelp ore and Brooten's kelp ore liquid. U. S. v. 3 Dozen Large Size Packages of Brooten's Kelp Ore, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22640, 22736. I. S. Nos. 17482-x, 17483-x, 17485-x, 17486-x, 17498-x, 17500-x. S. Nos. 680, 779.)

On March 20 and May 2, 1928, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 7 dozen large size packages and 14 dozen small size packages of Brooten's kelp ore, and 4 dozen bottles of Brooten's kelp ore liquid, remaining in the original unbroken packages at Seattle, Wash., alleging that the articles had been shipped by W. H. Brooten & Sons, Inc., in part from Cloverdale, Ore., on or about February 1, 1928, and in part from Portland, Ore., on or about March 8, 1928, and had been transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of these articles by this department showed that Brooten's kelp ore consisted essentially of a bituminous shale containing water-soluble salts, including iron and aluminum sulphates, small amounts of calcium and magnesium salts, including phosphate and chloride, a trace of sulphur and free sulphuric acid, and that Brooten's kelp ore liquid consisted essentially of a water solution of iron and aluminum sulphates, small amounts of calcium and magnesium salts, including phosphate and chloride, and free sulphuric acid.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling were false and misleading: (Booklet, large size) "As ozone is one of the most useful elements to all life its presence, through liberation, in Kelp Ore gives this substance an added beneficial effect in Kelp Ore * * * treatments. * * * I have elaborated on the qualities and character of ozone because I feel that this element is so vital a factor in all Kelp Ore treatments. The long slow oxidation of the ore during the curing process in some manner prepares it for the quick and rich liberation of ozone;" (circular, small size) "The wonderful, natural food, adding to the blood stream the life giving tissue foods and salts required, oxidizing and ironizing the carbohydrates, * * * neutralizing the excess acids and making possible their assimilation by the body cells and tissues."

Misbranding was alleged for the further reason that the following statements borne on the labeling, regarding the curative and therapeutic effects of the articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Book-

let, large size) "The following are a few of the many testimonials on file in my office, given to me voluntarily by many patients and patrons who have obtained relief through the use of Kelp Ore for the various constitutional ailments from which they were suffering. Some of these have been restored to health by using the ore water or solution. 'Mr. A. B. Rice, of Wenatchee, Washington, had sugar diabetes and could not eat anything but walnuts. He was waiting for the last hour to come and was a burden to his family and a misery to himself. He heard of Brooten's Kelp Ore and began to drink very strong solutions of it. He began to get better health from the first day. He gained in weight and in two months could take up his work as engineer on a steamboat. He now enjoys the best of health;' 'In answer to your letter of the 27th ultimo in which you ask for the history of my thumb, which I cured with Kelp Ore treatment: Can say that while sailing on the North Sea in the winter of 1870 was caught in a severe storm. Several of the crew and myself included were badly frozen. With the exception of my thumb I came out all right, but this member did not seem able to heal. It would form a new skin, only to start inflammation underneath the skin and break out again. It was therefore necessary to keep it in a bandage all the time. In 1874 I went to a specialist in London, England, who performed an operation on it, but to no avail. Since that time I went to so many doctors that they are really too numerous to mention. In 1908 my brother sent me some Kelp Ore with instructions how to use it, and in three weeks my thumb was entirely healed. This thumb had been bandaged every day for 38 years and I had very little hope left ever to cure it. I must therefore confess that I think this result remarkable. Shortly after this my neighbor, Mr. Tabor, who had been in Seattle to consult a specialist in regard to an infected sore he had on his cheek and which he had then had for two years, came back without results. I took him over some Kelp Ore to try which he did, and in a very short time it healed over and he is now entirely well;' 'I was suffering with a bladder ailment. I cannot find words to describe the terrible pain which I endured all the time. After using H. H. Brooten's Kelp Ore to drink and also to irrigate the bladder the pain left and now I am a different woman;' 'Among other things, the undersigned in a letter to Mr. Brooten says: still I can truthfully say that the mineral is the best blood builder I ever saw and I believe your treatment with the mineral did more for me than all the doctor's medicine, and no doubt saved my life last summer. I also think your treatment cured the goiter;' 'I wish to tell many about H. H. Brooten's Kelp Ore so that others may be helped if they have the same misfortune I had. While I was cooking over a hot stove my arm was burned badly. I did not pay much attention to it and must have got poisoning. My arm started to swell up and began to pain. A red streak began to come up my arm, my fever was 104, and blood poison had started in. I took two pounds of Kelp Ore, put it in a wash dish of cold water, and bathed my arm in that solution for five hours. Sometimes I put the dish out of doors so that the solution would get cold. My fever went down to normal and I had no more pain and took up my work the next day;' 'In 1921, I was taken sick and our family physician was called. He pronounced my case sugar diabetes of the worst form. I was in bed for several weeks without getting much or any relief. I was advised to use H. H. Brooten's Kelp Ore. The first dose started me on a better way, and in less than one week I was out of bed;' 'I was suffering with a sore leg for many years. Sometimes it would swell up double in size and at times would break out in big sores and would burn like fire and many hard lumps started from my groin down to my knee, and I felt I was going to my end pretty fast. I tried all kinds of salve and liniment and doctors, but it only got worse. I heard of H. H. Brooten. After my stomach was healed, my leg and the lumps in my groin healed too, and now I am enjoying the best of health;' 'I wish to express my thanks to H. H. Brooten, for his discovery. I was suffering from sugar diabetes and was almost blind from cataracts on my eyes. These symptoms disappeared in 12 days. My health is now good;' 'I wish to say a few words in praise of Brooten's Kelp Ore, as I can heartily recommend it for skin diseases. I had an infection on my face for years and it continued to spread and become more deeply seated. I tried Brooten's Kelp Ore and it healed like magic in a very short time and never returned;' 'About fourteen years ago I was taken sick and found the cause to be sugar diabetes. I was treated by the best doctors in our locality (Hood River, Ore.), also specialists in Portland, Ore., but to no benefit, until about five years ago I learned of H. H. Brooten's Kelp Ore. At that time my toes were sloughing and I lost every one

of my toe nails and it looked as if my toes would come off. I was unable to walk or sit up and was eating hardly anything. I got some of H. H. Brooten's Kelp Ore and began taking it and putting it on my feet, and in two weeks they were healed; 'I had been suffering with fever as long as I can remember. When the fever would start my body would get sore and tender and boils would start at once and go away in a few weeks, but each time the fever would stay a little longer. At last an open sore on my leg had appeared and I could figure my time on this earth was not in years but only a few months. I shall be very thankful to the one that gave me the advice to try H. H. Brooten's wonderful remedy, and I can not express my feelings in words. I have taken treatment for three months and the fever is out of my blood and I have no boils. The sore on my leg is healed and I am in perfect health. I have gained 32 pounds in weight;' For mild afflictions * * * Persons who have * * * used the ore at home find that the best results have been obtained by taking the extract or solution as indicated below: Stomach Troubles; * * * Hardening of the arteries and high blood pressure * * * Diabetes Militus (Sugar Diabetes) * * * Diabetes Insiptidus * * * If used as a poultice for pneumonia, colds, fever * * * We find that bran and graham bread used with meats that are fat, eaten in connection with the Kelp Ore extract drinks, prevent hyperacidity, keep the stomach on a proper alkaline base and lead to better health;" (booklet, portion of large size) "When Mr. Brooten had gone in his dream a considerable distance * * * he found the place alive with people all converging toward him. * * * He saw that they were ghastly pale. Some were weak and emaciated and could scarcely stand. Some hobbled on crutches. Despite their infirmities * * * they were asking him for help. * * * his search was finally rewarded by the discovery of Kelp Ore. * * * many of the grateful, restored to health by Kelp Ore * * * mixed it with bran, grain, and fodder and fed it to his cattle when any of them sickened and found that they immediately recovered. It became the family medicine, a cure-all for everything; and, always, it worked;" (circular, small size) "The Wonder Mineral, Nature's Health Gift * * * This remarkable combination of chemical essentials * * * is being used and recommended by thousands of sufferers from digestive, skin, and constitutional diseases. * * * The thing called disease is a lacking one or more of the constituents of the blood to that particular part affected. So said a famous physician. The medicine of the future will be that element or combination of elements tending to preserve and increase the vitality and health of the well rather than the present day treatment and effort to cure the ailing. Nature has provided many safeguards for the benefit of the careless liver, and having in mind this necessity, has combined in this wonderful product, Kelp Ore, many of the elements required in the rebuilding of famished and broken down tissues. * * * For years it has been the desire and ambition of Mr. Brooten that his wonderful discovery be made available to the thousands of sufferers * * * Brooten's Kelp Ore is proving of inestimable value in hundreds of cases where the digestive and eliminative organs are at fault; applied locally as an antiseptic it is unexcelled. * * * I had been suffering for months with a badly ulcerated stomach, and had about decided that an operation was necessary to bring relief. A friend of mine suggested that I try Brooten's Kelp Ore, which I did and the results have been most gratifying. Pain and after eating distress have been entirely eliminated. I am back to normal weight, in fine spirits, and can eat anything I want without fear of distress. * * * I had been suffering with Sugar Diabetes for about ten years when I learned of H. H. Brooten's Kelp Ore. My toes were sloughing. I had lost all my toe nails and it looked as if my toes would all come off. I was unable to walk or sit up and was eating very little. Two weeks after using Kelp Ore and putting it on my feet, my feet were healed * * * , Sufferers from Diabetes, Rheumatic and Renal conditions are especially warned that proper dietetic rules must be followed. Brooten's Kelp Ore is not a physic but is corrective in its action; the users soon find that its continued use will bring about a most satisfactory condition of the system and eliminative organs;" (kelp ore liquid, display card) "Real remedy for Stomach troubles * * * The Wonder Mineral. Let the many people who have found relief from Stomach, Kidney, and other organic troubles tell you what Kelp Ore has done for them;" (kelp ore liquid, display card) "Nature's Health Gift * * * An Exceptional Remedy;" (containers, all products) "The Wonder Mineral * * * Nature's Health Gift from the Sea * * * Kelp, of itself, contains many valuable medicinal properties, * * * preserving the wonderful values."

On April 17, 1928, and June 18, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15S17. Misbranding of Mentho-Kreoamo. U. S. v. 11 Dozen Large Bottles, et al., of Mentho-Kreoamo. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22649, 22727. I. S. Nos. 18864-x, 19766-x. S. Nos. 676, 704.)

On March 22, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen large bottles and 3 dozen small bottles of Mentho-Kreoamo, remaining in the original unbroken packages at Indianapolis, Ind., and on or about April 30, 1928, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 bottles of Mentho-Kreoamo, remaining in the original unbroken packages at Terre Haute, Ind. It was alleged in the libels that the article had been shipped by the Mentho-Kreoamo Co., Clinton, Ill., in two consignments, or on about December 2, 1927, and February 11, 1928, respectively, and had been transported from the State of Illinois into the State of Indiana, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, wood tar, creosote, a trace of menthol, sugar, and water.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle label) "Indicated in Flu, Pneumonia, LaGrippe, Bronchitis, Obstinate Coughs, Colds, Whooping Cough, and Cough, or Bronchial Irritation Associated with Tuberculosis * * * When fever is reduced and desired results are obtained * * * in emergency cases * * * For acute or severe conditions where M-K is indicated—double doses may be taken until temperature is reduced to normal, * * * M-K may be successfully used in treating chronic or obstinate coughs due to prolonged attacks of Flu, La Grippe, or Pneumonia infections with evening temperature Tubercular in character. * * * Colds may be aborted or broken in one night by taking M-K in double doses same day the cold was contracted—thereby often saving many days of discomfort and expense;" (circular accompanying small size packages) "Indicated in Coughs and Colds, Flu, Bronchitis, Whooping Cough, Pneumonia, Obstinate Deep-seated Coughs, frequently associated with Tuberculosis. * * * Thought his End was Near. My occupation is that of miner. The dust and exposure caused me to contract what doctors called bronchial asthma. I coughed constantly, my heart was very bad, so that the lightest exercise caused discomfort. My breath was short and wheezy and the contraction of a slight cold brought on those awful attacks. I could not work. This lasted for eighteen months during eight weeks of which I was a terrible sufferer and really thought my end was near. The doctors * * * had given me up when my brother-in-law advised me to take Mentho-Kreoamo, or as he called it, M-K. I began to improve right away, regained lost weight, my heart ceased to bother me so now I feel like a different man;" "Gave immediate Relief. M-K was recommended to me by a friend at a time when I was suffering from severe colds. It gave me immediate relief and with its use I have been free from serious colds for the past two winters;" "M-K Performed a Miracle. It was while I was being treated for a bad sore on my hand in the spring of 1927, that I contracted pneumonia. I caught a cold sitting in a draughty doorway, and my lungs clogged up in a hurry with severe pain, high fever, and terrible coughing. They gave me M-K and the pain and fever left me the third day. My recovery was steady from then on. My age is 84, and I know that I was an awful sick man. M-K performed a miracle for me, so everybody says;" "One of our children had high fever and pain in the side * * * M-K * * * we gave her * * * in two days she was up and well again;" "M-K helps in Every Case * * * Protection and Comfort for the Entire Family * * * The M-K Family Group a Reliable Safeguard Coughs and Colds * * * whatever degree of seriousness you seem to recog-