

On July 15, 1929, 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.*

**46594. Misbranding of Stout's cold tablets. U. S. v. 6 Dozen Packages of Stout's Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23433. I. S. No. 03490. S. No. 1630.)**

On February 25, 1929, the United States attorney for the Northern District of West Virginia, 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 6 dozen packages of Stout's cold tablets, remaining in the original packages at Parkersburg, W. Va., alleging that the article had been shipped by D. C. Leo & Co., from Des Moines, Iowa, on or about January 2, 1929, and transported from the State of Iowa into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, alkaloids of nux vomica, and extracts of plant drugs including a laxative drug.

It was alleged in the libel that the article was misbranded in that the statement made upon the container thereof, to wit, "For the treatment of \* \* \* La Grippe," was false and misleading. Misbranding was alleged in the libel for the further reason that the following statements, (circular, translation from the German) "In order to be relieved from an attack of influenza (grippe) one takes a tablet every four hours and one before going to bed [similar expressions in other foreign languages]," were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

The charge recommended by this department was that the above-quoted statements from the carton container and circular were false and fraudulent.

On May 22, 1929, 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.*

**46595. Misbranding of Bu Ku Jin elixir. U. S. v. 16 Dozen Bottles of Bu Ku Jin Elixir. Default decree of destruction entered. (F. & D. No. 22794. I. S. No. 17926-x. S. No. 831.)**

On May 29, 1928, the United States attorney for the District of Utah, 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 16 dozen bottles of Bu Ku Jin elixir, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Honkin Distributing Co., from San Francisco, Calif., on or about May 1, 1928, and transported from the State of California into the State of Utah, and charging misbranding 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 alcohol, sugar, and water with traces of flavoring oils and extractives from plant drugs including buchu.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraph 3 as amended, under drugs, in that the labels bore the statements regarding the curative and therapeutic effects, to wit, (bottle label) "An Effective Diuretic in Kidney and Bladder Disorders," (shipping carton) "Bu Ku Jin Elixir for Kidney and Bladder Disorders," whereas the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 20, 1929, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**46596. Misbranding of Lee's Save the Baby. U. S. v. 1 Gross Packages of Lee's Save the Baby. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23815. I. S. No. 03735. S. No. 1939.)**

On June 4, 1929, the United States attorney for the District of New Jersey, 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 1 gross packages of Lee's Save the Baby, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Wm. W. Lee & Co., from Troy, N. Y., on or about April 19, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding 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 lard containing oil of origanum, oil of rosemary, camphor, Canada balsam, and alcohol.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the carton and bottle labels and in the accompanying circular, regarding the curative and therapeutic effects of said articles, (front bottle label) "Save the Baby," (back bottle label) "For Croup apply with the hand or \* \* \* by saturating \* \* \* cloth and laying it over the throat and chest; also apply over the nose. In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. For snuffles apply over the nose. For sore throat apply on the throat; also take one-half a teaspoonful internally. For coughs \* \* \* apply on the chest, also take one teaspoonful morning and night. For ague in breast, apply to the parts affected," (carton, small) "Save the Baby \* \* \* Croup Mixture \* \* \* For Croup, Snuffles \* \* \* Coughs and Sore Throat \* \* \* used in cases of Grippe, Bronchitis, Laryngitis, Tonsillitis, Pneumonia, etc.," (carton, large) "Save the Baby. For Croup, Coughs, \* \* \* etc.," (circular) "Save the Baby \* \* \* for Croup \* \* \* Coughs, Tonsillitis, Bronchitis, Snuffles, Sore Throat and similar ailments. \* \* \* What Mother or Father has not been alarmed when awakened in the night by the childish cry of pain and the dread sound of croup, or who of us has not shuddered when whooping cough, pneumonia or a hard cold has racked our children with pain and coughing spasms. It was because of a child's suffering that 'Save the Baby' came into being \* \* \* a wee girl lay seriously sick with croup. \* \* \* he administered a remedy of his own compounding \* \* \* found \* \* \* child completely out of danger. This physician prescribed the remedy \* \* \* in other cases, always with gratifying results. \* \* \* 'Save the Baby,' for by that name it had come to be known. \* \* \* 'Save the Baby' for use in \* \* \* croup, 'snuffles,' tonsillitis, bronchitis, sore throat and all similar ailments in children and adults. \* \* \* Use It \* \* \* The results will be beneficial. For Adults—'Save the Baby' works \* \* \* relief given in coughs, bronchitis, pneumonia and other congested conditions of the head, throat or lungs \* \* \* 'Save the Baby' \* \* \* effective when used Hot. For Croup: \* \* \* saturate it with hot 'Save the Baby' and lay over throat and chest or rub the remedy in with the hand. Also apply over nose and back. In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. \* \* \* For Snuffles: Apply over nose and sniff a little into nostrils. For Coughs: \* \* \* Apply on chest and throat; also take one teaspoonful morning and night. Influenza, Grippe and Pneumonia: \* \* \* use 'Save the Baby' \* \* \* saturate it with hot 'Save the Baby' and lay over chest and back, or rub the hot remedy in by hand. In severe cases give a half teaspoonful internally every half hour. \* \* \* use 'Save the Baby' \* \* \* for Sore Throat and Tonsillitis: Apply on the throat and along the cord that runs from behind the ear down the neck; also take one half teaspoonful internally. Take from one half to one teaspoonful internally for all chest congestions and gathering of phlegm," were false and fraudulent in that the article contains no ingredient or combination of ingredients capable of producing the effect claimed.

On July 15, 1929, 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.*

**16597. Misbranding of Cow Tone. U. S. v. 8 Small Cans, et al., of Cow Tone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23536. I. S. No. 02731. S. No. 1763.)**

On March 19, 1929, the United States attorney for the Western District of New York, 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 8 small cans, eight 25-pound boxes containing small cans, 2 $\frac{3}{4}$  dozen large cans, and eight 50-pound boxes containing large cans of Cow Tone at North Collins, N. Y., consigned by Our Husbands Manufacturing Co.