

5557. Misbranding of "Stuart's Calcium Wafers." U. S. * * * v. 21 Packages of Stuart's Calcium Wafers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7547. I. S. No. 3656-1. S. No. E-652.)

On June 14, 1916, the United States attorney for the Southern District of Georgia, 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 21 packages of "Stuart's Calcium Wafers," remaining unsold in the original unbroken packages at Macon, Ga., alleging that the article had been shipped on or about May 1, 1916, by the F. A. Stuart Co., Marshall, Mich., and transported from the State of Michigan into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Stuart's Calcium Wafers * * *."

It was alleged in substance in the libel that the article was misbranded for the reason that the boxes, cartons, and circulars contained certain statements regarding the article and the ingredients and substances contained therein which were false and misleading, that is to say, said label on the bottles contained the following statement, to wit, "If bowels do not move freely, double the dose as the preparation is perfectly harmless," and on said circular were the following statements, to wit, "Children may take it with freedom, and their delicate organism thrive with its use. * * *. If obstinate constipation of the bowels is present, the dose may be increased until satisfactory movement is secured, as they are entirely harmless. * * * Stuarts Calcium Wafer Compound should be used in connection with Stuarts Dyspepsia Tablets in all cases where the bowels are at all constipated, as they remove this condition speedily, safely, and without pain or griping * * *, containing no poisonous ingredient * * * 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 * * * cost more than pills for constipation, but is worth more than the difference in price, because, in the first place it is far safer. Stuarts Calcium Wafer Compound contains no alcoholic stimulants, 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," whereas said statements aforesaid are false and misleading in that the said drug contained a poisonous substance, to wit, strychnine. Misbranding was alleged in substance for the further reason that the boxes, cartons, and circulars contained in said cartons contained statements regarding the curative and therapeutic effect of said article which were false and fraudulent, that is to say, said carton contained the following statement, to wit, "For eruptions, scrofula, * * * constipation, humor, liver trouble * * * and all disorders and symptoms arising from impure blood." The labels on the boxes contain the following statement, to wit, "For * * * blood disorders, skin affections, any derangement of the blood, bowels, kidneys or liver," and said circular contained the following statement, to wit, "Blood troubles and skin diseases * * * calcium sulphide * * * the most powerful blood purifier known. * * * 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. Stuarts Calcium Wafer Compound will purify and enrich the blood * * *. The liver is aided, the stomach reinforced and skin diseases are assailed from their source * * *. For chronic or temporary blood disorders and skin diseases these wafers are without an equal * * *. Should be used to enrich and purify the 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 * * * will infuse renewed energy and strength into the exhausted nerves, the overworked brain or muscular system * * * containing in concentrated form all of the elements to repair nerve tissue and depleted blood. Will relieve and prevent constipation and thereby keep the liver and bowels in normal healthy condition," whereas said statements contained on said cartons, boxes, and circulars with reference to the curative or therapeutic effect of said article were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed in said statements above set forth.

On May 17, 1917, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*