

15578. Misbranding of Double O medicine. U. S. v. 2 Dozen Two-Dollar Size and One Dozen Three-Dollar Size Packages of Double O. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22164. I. S. No. 17634-x. S. No. 204.)

On November 14, 1927, the United States attorney for the Northern District of California, 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 2 dozen two-dollar size and 1 dozen three-dollar size packages of Double O medicine, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Red Star Laboratories Co., from Chicago, Ill., October 4, 1927, and transported from the State of Illinois into the State of California, 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 resins (such as those from buchu and copaiba), extracts of vegetable drugs, volatile oils, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, borne on the carton label and in the accompanying circulars, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed: (Circular in shipping package) "Your most wonderful medicine 'Double O,' of which I have taken for gonorrhoea is certain a marvel * * * Our preparation is to-day recognized as the most dependable product in this line. * * * until we entered the field nothing had been offered which invariably would bring the desired relief to those who need it in new as well as in chronic cases * * * Parties buying Double O get results * * * Good for the poor devil;" (carton) "Absolutely safe internal medicine;" (circular headed "Don't Let Them Fool You" enclosed in retail package) "the medicine which is now known and acknowledged the best, the safest, and the most satisfactory in every respect. * * * Our duty to You—To supply you with the best which experience and scientific knowledge can produce. Your duty to Yourself—To regain your former status of health;" (directions circular) "To secure satisfactory results it is absolutely necessary to continue the treatment without interruption. Stopping for a day or two may set the patient back to a former condition. It is advisable even after it appears that everything is in order, to continue taking the medicine for a week or 10 days longer * * * Chronic Cases: The 'Double O' medicine contains particularly effective ingredients for old neglected cases * * * it may take 3 or 4 bottles before satisfactory results are apparent. Safety: * * * The medicine may be used with perfect confidence."

On January 16, 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.

W. M. JARDINE, *Secretary of Agriculture.*

15579. Misbranding of W H Y. U. S. v. 15 Cases and 4 Cases of W H Y. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21952. I. S. Nos. 12841-x, 12842-x. S. No. E-3286.)

On June 9, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 15 cases of the 1-pound size, and 4 cases of the 4-ounce size, of W H Y, labeled as prepared by the Bartlett Nu Products Corp., Pasadena, Calif., at Washington, D. C., alleging that the article was being sold and offered for sale in the District of Columbia, by the Health Food Center, 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 water-soluble constituents of caramelized cereals (50 per cent) and water (50 per cent).

It was alleged in the libel 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 labels) "Aids digestion assimilation and elimination * * * health sustaining food * * * keeps old age away * * * recommended by physicians and dietitians everywhere * * * The cup of life * * * feeds your Nerves * * * feeds your Glands * * * gives you Strength * * * for your Health's Sake