

17839. Misbranding of Dr. H. C. Lemke's laxative herb tea and Dr. H. C. Lemke's Blood Drops. U. S. v. 28 Packages of Dr. H. C. Lemke's Laxative Herb Tea, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24909, 24910. I. S. Nos. 036539, 036540. S. No. 3237.)

Examination of samples of the herein-described drug products having shown that the labels bore claims of curative and therapeutic properties that the articles did not possess, the Secretary of Agriculture reported to the United States attorney for the Western District of Michigan the following interstate shipments of quantities of the said articles located at Grand Rapids, Mich.

On July 18, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 28 packages of Dr. H. C. Lemke's laxative herb tea and 21 bottles of Dr. H. C. Lemke's Blood Drops, remaining in the original unbroken packages at Grand Rapids, Mich., alleging that the articles had been shipped by the Dr. H. C. Lemke Medicine Co., Chicago, Ill., in part on or about February 15, 1928, and in part on or about May 19, 1930, and transported from the State of Illinois into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. H. C. Lemke's laxative herb tea consisted essentially of a mixture of senna, glycyrrhiza, althea, coriander seed, American saffron, buckthorn bark, flaxseed, fennel seed, lavender flowers, uva ursi leaves, elder flowers, and peppermint leaves; and Dr. Lemke's Blood Drops consisted essentially of extracts of plant drugs including a laxative drug, sugar, alcohol, and water.

It was alleged in the libels that the articles were misbranded in that the following statements borne on the labeling, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Herb tea, carton) "These herbs will cure and dispel all attacks of * * * coughs, fevers, catarrh in Head or Stomach. This tea is a valuable remedy to cure Dyspepsia. * * * Sick Stomach, Biliousness, Liver and Kidney Trouble, Headache and Dizziness. This tea will cure Costiveness and regulate the Stomach and Bowels in a short time; it will produce a good * * * digestion. This herb tea is an important blood purifier. It will relieve and certainly cure all diseases which originate from impure blood, such as Scrofula, Jaundice, Yellow Blotches and Pimples on the Face, Itching and Breakouts on the Skin. When this tea is used for a few weeks it will produce a fresh, healthy complexion. This tea is also highly recommended for all Female Diseases;" (herb tea, circular) "Used to aid the action of the liver and kidneys. A few conditions in which this tea may be used with good success are constipation, indigestion * * * jaundice * * * coated tongue * * * headache, dizziness, boils, pimples, dry sallow skin, certain eruptions of the skin on face or body, etc., which may be caused from an inactive liver, kidneys, acute infectious diseases, general debility, etc. Good health depends on keeping clean, not only the external body but that which is also important—the internal organs. * * * If the bowels do not carry off the waste matter which nature intends should be thrown off, the stomach fails to work properly, undigested food may remain in the stomach and bowels, the food sours, ferments, starts to decay, poisonous gases may form which are taken up by the blood. The blood thus poisoned, may cause complications, such as pimples, boils, blotches, rashes, etc. The liver and kidneys may become affected and bring on further complications;" (Blood Drops, carton) "Dr. Lemke's Blood Drops * * * A valuable Stomach Essence * * * it regulates the stomach and bowels, produces a regular evacuation in a few days. These drops expel from the system all bilious disorders of the liver, stomach and bowels, such as hot, feverish skin, palpitation of the heart, dizziness, etc. * * * will relieve headache in a short time; dyspepsia * * * weak stomach can be relieved in 10 days; diseased kidneys, trouble of the bladder, retention of Urine can be relieved in 15 to 20 days. It is an unfailing remedy for female diseases, as Obstruction of the Monthly Courses;" (Blood Drops, circular) "Have proved a boon to many men and women afflicted with blood impurities, inactive liver, kidneys, stomach, bowels or bilious disorders, such as costiveness, dyspepsia, headache, dizziness, colic, cramps in the stomach or bowels. Taken regularly about the time menstruation is to begin they benefit by lessening the distress of painful or delayed periods;" (Blood Drops, bottle label) "Dr. Lemke's Blood Drops * * * These drops have a wonderful power for all diseases of the blood, stomach and bowels, such as: Costiveness, Bile in the Stomach,

Pain and Dizziness in the Head, Dyspepsia, Liver and Kidney Diseases, Dropsy, * * * Colic and Cramps, and a thorough blood Purifier, also for all Female Diseases, Obstruction of Monthly Courses, Etc."

On November 25, 1930, 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.*

17840. Adulteration and misbranding of Cerolactic antiseptic ointment, and misbranding of Cerolactic internal antiseptic tablets and Cerolactic germicide and prophylactic. U. S. v. 120 Dozen Packages of Cerolactic Internal Antiseptic Tablets, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25212, 25213, 25214. I. S. Nos. 4776, 4777, 4778. S. No. 3437.)

Examination of samples of the herein-described drug products having shown that the labels bore claims of curative and therapeutic properties that the articles did not possess, that the so-called Cerolactic internal antiseptic was not an internal antiseptic, and the so-called Cerolactic antiseptic ointment was not antiseptic, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 20, 1930, the United States attorney filed in the United States District Court a libel praying seizure and condemnation of 120 dozen pocket-sized and 44 dozen hospital-sized packages of Cerolactic internal antiseptic tablets, 42 dozen packages of Cerolactic antiseptic ointment, 1 dozen small-sized, 4½ dozen medium-sized, and 3 dozen large-sized packages of Cerolactic germicide and prophylactic, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Hibbs-Worth Laboratories (Inc.) from Chicago, Ill., on or about May 28, 1930, and had been transported from the State of Illinois into the State of New York, and charging adulteration and misbranding of the said ointment and misbranding of the remaining products in violation of the food and drugs acts as amended.

Analyses of samples of the articles by this department showed that the Cerolactic ointment consisted essentially of a petrolatum and paraffin base containing tar, zinc oxide, sulphur, and traces of cerium and phosphorus compounds, and that it was not antiseptic; that the Cerolactic internal antiseptic tablets contained charcoal, phenolphthalein, a small amount of a cerium compound, starch, and peppermint oil, coated with sugar and calcium carbonate; and that Cerolactic germicide and prophylactic consisted essentially of boric acid, menthol, thymol, phenol, salicylic acid, a trace of a cerium compound, glycerin, alcohol, and water.

It was alleged in the libel that the said ointment was adulterated in that its strength fell below the professed standard and quality under which it was sold, viz, (carton and tube) "Antiseptic Ointment."

Misbranding of the said ointment was alleged for the reason that the following statements were false and misleading: (Carton and tube) "Antiseptic Ointment;" (brown circular) "Cerolactic antiseptic ointment * * * The smallest break in the skin is not too small to admit germs and set up an infection. Something must be done immediately to check their development and guard against the possibilities of blood-poisoning. There is no better way to do this than by first washing the affected or injured parts with Cerolactic aromatic solution and then apply this ointment. Cerolactic Antiseptic Ointment is a purely ethical compound in which is combined that safe and reliable antiseptic and germicide, Cerolactic, with White Petrolatum and Anhydrous Wool Fat, and other ingredients approved by dermatologists in the treatment of skin diseases. * * * The ingredients contained in Cerolactic ointment render it an invaluable agent where a continuous antiseptic action is necessary." Misbranding of the said ointment was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "Eczema, Eruptions, Rashes, Blemishes, Cuts * * * The ingredients most approved by Dermatologists in the treatment of Inflammatory Cutaneous Diseases * * * Cerolactic Ointment is a reliable remedy in cases of eczema, ringworm, shingles, hives, itching piles * * * cuts * * * scabies, scrofulous tumors, etc. (Eczema responds quickly to Cerolactic treatment.) * * * All skin eruptions, rashes, blemishes, etc., that appear on the skin are of germ origin. A complete and permanent cure can only be effected when the germ is destroyed. * * * Cuts;" (tube) "Eczema, Eruptions, Rashes, Blemishes, Cuts * * * The ingredients most approved by dermatologists in the treatment of inflammatory