

Saver, remaining in the original unbroken packages at Camden, N. J., alleging that the article had been shipped by the Lung Saver Co., from Philadelphia, Pa., on or about October 8, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and 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 extracts of plant drugs including glycyrrhiza, chloroform (2.0 minims per fluid ounce), menthol, sugar, and water flavored with anise oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength (carton and bottle label) "Chloroform, 7 minims per fluid ounce," whereas the strength of the article fell below such professed standard in that it contained less chloroform per fluid ounce.

Misbranding was alleged for the reason that the following statements appearing in the labeling, regarding the curative or 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: (Shipping carton containing 1 dozen bottles) "Lung Saver, The Good Cough Syrup, The Lung Saver Co.;" (bottle) "Lung Saver * * * The Lung Saver Co. * * * Lung Saver for Coughs * * * Hoarseness, Bronchitis, Grippe, Tightness of the Chest, Asthma * * * Whooping Cough and Croup * * * For Asthma and Bronchitis;" (counter display) "Lung Saver The Good Cough Syrup * * * Lung Saver Cough Syrup, for * * * Croup, Coughs, Whooping Cough, Tightness and Soreness on the Breast, Asthma, Bronchitis, Grippe and Hoarseness * * * Why Cough? Use Lung Saver The Good Cough Syrup;" (molded in bottle) "Lung Saver, The Good Cough Syrup, The Lung Saver Co., Phila Pa. U. S. A."

On December 4, 1930, 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.*

17843. Misbranding of 4-44. U. S. v. 10 Bottles of 4-44. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25377. I. S. No. 5911. S. No. 3526.)

Examination of samples of a drug product, known as 4-44, having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported to the United States attorney for the Western District of South Carolina the herein-described interstate shipment of a quantity of the product located at Anderson, S. C.

On October 6, 1930, the United States attorney filed in the United States District Court a libel praying seizure and condemnation of 10 bottles of 4-44 at Anderson, S. C., alleging that the article had been shipped by the United Products Co., from Elberton, Ga., on or about September 23, 1930, and had been transported from the State of Georgia into the State of South Carolina, 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 magnesium sulphate, compounds of ammonium, sodium, potassium, and phosphorus, small amounts of saccharin and salicylic acid, traces of calcium, iodine, and manganese, sugar and water, flavored with lemon oil and colored with a red dye.

It was alleged in substance in the libel that the article was misbranded in that the carton and bottle labels bore the following statements regarding the curative or therapeutic effects of the said article, whereas it contained no ingredient or combination of ingredients capable of producing the said effects, and in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named: (Carton) "A marvelous medicine for many maladies—for * * * Influenza, Indigestion, Torpid Liver, Constipation, Kidney and Bladder Diseases—Relieves a long list of ailments due to sluggish liver and disordered kidneys—corrects disorders due to constipation * * * Chills, fever, rheumatism and malaria * * * Medicinal elements vital to blood nourishment and * * * Good digestion and Vitality;" (bottle label) "For Forty-four diseases * * * Including liver, kidney and stomach troubles, constipation, indigestion and influenza, indicated in the treatment of rheumatism, coughs * * * jaundice * * * this preparation builds and purifies the blood giving new life because of the vital elements it contains."

On December 3, 1930, 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.*

17844. Adulteration and misbranding of Taylor's Bromo-Aspirin. U. S. v. 84 Boxes of Taylor's Bromo-Aspirin. Default decree of destruction entered. (F. & D. No. 25127. I. S. No. 6381. S. No. 3381.)

Examination of samples of a drug product, known as Taylor's Bromo-Aspirin, from the herein-described interstate shipment having shown that it contained no bromine or bromides, that its use might produce disagreeable and dangerous effects contrary to representations contained in the labeling, and that the labels bore curative and therapeutic claims not justified by the composition of the article, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Alabama.

On September 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 84 boxes of Taylor's Bromo-Aspirin at Mobile, Ala., alleging that the article had been shipped by the Taylor Medicine Co., from Tampa, Fla., on or about April 1, 1929, and had been transported from the State of Florida into the State of Alabama, and charging adulteration and 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 acetylsalicylic acid (4.75 grains per tablet), and caffeine, but no bromine nor bromide.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength: "Bromo-Aspirin," whereas the strength of the article fell below such professed standard, in that it contained no bromides or bromide (bromine).

Misbranding was alleged for the reason that the following statements appearing on the carton and in the accompanying circular, (carton and circular) "Bromo-Aspirin," (carton) "Does Not Upset the Stomach," (circular) "The safety of * * * Bromo-Aspirin * * * physicians, dentists and druggists can recommend it because of its safety. Even people who * * * cannot take the coal tar derivatives * * * or plain Aspirin at all, find * * * Bromo-Aspirin * * * a relief * * * with no disagreeable or burning sensation in the stomach, or feeling of weakness * * * Bromo-Aspirin * * * that will not depress the heart action, * * * For more than ten years * * * Bromo-Aspirin has been known as 'The Kind That Does Not Depress the Heart,'" were false and misleading; since the article contained no compound of bromine, it might upset the stomach and might be unsafe, aspirin is a coal-tar derivative and the aspirin in the article would produce the same effects as plain aspirin, and the article might produce a disagreeable or burning sensation in the stomach or a feeling of weakness and might depress the heart action. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the said carton and in the circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For * * * Fevers, La Grippe, Rheumatism, 'Fine For that Tired Feeling,'" (circular) "Physicians explain that severe * * * rheumatism, neuralgia, grippe, flu and fevers are * * * attended by a weakness of the heart action, and require stimulation * * * The safety of * * * Bromo Aspirin should give it preference * * * for * * * cases where headaches and backaches are caused by periodic pains. * * * for * * * all kinds of pains, * * * Bromo Aspirin helps to improve the circulation and make you feel comfortable and rested when tired. There are times when women especially need a remedy * * * to * * * stop * * * backaches and periodic pains. Bromo-Aspirin * * * stops the pains and protects the heart action."

On November 12, 1930, 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.*