

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18051-18100

[Approved by the Secretary of Agriculture, Washington, D. C., August 19, 1931]

18051. Adulteration and misbranding of Vitalex. U. S. v. 358 Dozen Packages of Vitalex. Decree of condemnation and forfeiture. Product released under bond. (F. D. No. 25950. I. S. No. 8979. S. No. 4180.)

Examination of a drug product, known as Vitalex, from the shipment herein described having shown that it was represented as containing vitamin D, whereas it was worthless as a source of vitamin D, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 358 dozen packages of Vitalex at Baltimore, Md., alleging that the article had been shipped from Buffalo, N. Y., on or about February 18, 1931, via the Universal Carloading & Distributing Co., and had been transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "To which are added Vitamins * * * D."

Analysis of a sample of the article by this department showed that it consisted essentially of caffeine, salicylic acid, benzoic acid, extracts of plant drugs including glycyrrhiza, senna, aloe, and wild cherry, a small proportion of strychnine, alcohol, water, and flavoring oils. Biological examination showed that the article was worthless as a source of Vitamin D.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, in that it contained no vitamin D.

Misbranding was alleged for the reason that the statement, "To which are added Vitamins * * * D," appearing on the carton, was false and misleading.

On April 10, 1931, the Chemicals & Drugs (Inc.), Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18052. Misbranding of Var-ne-sis for rheumatism. U. S. v. 9 Bottles of Var-ne-sis for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25916. I. S. No. 15373. S. No. 4127.)

Examination of a drug product, known as Var-ne-sis for rheumatism, having shown that the bottle and carton label and accompanying mailing card bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the Southern District of New York the herein-described shipment of a quantity of the product located in New York, N. Y.

On February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine bottles of Var-ne-sis for rheumatism, remaining in the

original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Var-ne-sis Co., from Lynn, Mass., on or about December 24, 1930, and had been transported from the State of Massachusetts into the State of New York, 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 sodium salicylate, extracts of plant drugs including glycyrrhiza, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, 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: (Bottle) "For Rheumatism Such as Sciatic, Lumbago, Muscular, Chronic Rheumatic Arthritis. Rheumatic Neuritis * * * Unequaled as a System Purifier;" (carton) "For Rheumatism Such as Sciatic, Lumbago, Muscular, Chronic Rheumatic Arthritis, Rheumatic Neuritis * * * recommended to you by Hundreds of former Rheumatic sufferers * * * Tone up the System, Build up the General Health, Drive Poison From the System Through the Natural Channels of the Body, Keep the Organs of the Body Functioning as They Were Designed to Function and Much Disease Will Be Avoided;" (mailing card) "Conquers Rheumatism."

On March 20, 1931, 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.*

18053. Misbranding of Var-ne-sis for rheumatism. U. S. v. 49 Bottles of Var-ne-sis for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25917. I. S. No. 16002. S. No. 4129.)

Examination of a drug product, known as Var-ne-sis for rheumatism, having shown that the bottle and carton label and accompanying mailing card bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the District of Maryland the herein-described shipment of a quantity of the product located in Baltimore, Md.

On February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 49 bottles of Var-ne-sis, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Var-ne-sis Co., from Lynn, Mass., on or about December 6 and December 27, 1930, and had been transported from the State of Massachusetts into the State of Maryland, 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 sodium salicylate, extracts of plant drugs including glycyrrhiza, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, 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: (Bottle) "For Rheumatism Such as Sciatic, Lumbago, Muscular Chronic Rheumatic Arthritis, Rheumatic Neuritis * * * Unequaled as a System Purifier;" (carton) "For Rheumatism Such as Sciatic, Lumbago, Muscular, Chronic Rheumatic Arthritis, Rheumatic Neuritis * * * Recommended to You by hundreds of former Rheumatic Sufferers. * * * Tone up the System, Build up the General Health, Drive Poison From the System Through the Natural Channels of the Body, Keep the Organs of the Body Functioning as They Were Designed to Function and Much Disease Will Be Avoided;" (mailing card) "Conquers Rheumatism."

On March 18, 1931, 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.*