

It was alleged in the information that the article was misbranded in that the statement "The natural food" was false and misleading, since the article contained no ingredient of value as a food. Misbranding was alleged for the further reason that certain statements, designs and devices regarding the therapeutic and curative effects of the article, appearing in the circular shipped therewith, falsely and fraudulently represented that it was effective as a healing power; effective to preserve and increase vitality and health; effective to rebuild famished and broken-down tissue; effective to add to the blood stream the life-giving tissue foods and salts required; effective to neutralize the excess acids and to make possible their assimilation by the body cells and tissues; effective as a treatment of inestimable value where the digestive and eliminative organs are at fault; effective as an aid to sufferers from diabetes and rheumatic and renal conditions; effective as a corrective to an unsatisfactory condition of the system and eliminative organs; effective as a treatment, remedy, and cure for sugar diabetes and infection, anemic condition, swollen legs, swollen groins, ulcer of the stomach, rheumatism, stomach disorders, pain in the side, bladder trouble, severe womb trouble, skin diseases, pains in back; whereas the article contained no ingredients or medicinal agents effective for the said purposes.

On June 16, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19516. Misbranding of Hepatona. U. S. v. 30 Bottles of Hepatona. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26459. I. S. No. 5783. S. No. 4748.)

Examination of a drug product, known as Hepatona, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On June 10, 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 30 bottles of Hepatona at San Juan, P. R., alleging that the article had been shipped on or about May 2, 1931, by Yglesias & Co. (Inc.), New York, N. Y., to San Juan, P. R., and that it was being sold and offered for sale in Puerto Rico by the Drug Co. of Puerto Rico (Inc.), and that it was misbranded 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 phosphate, sodium bicarbonate, potassium bitartrate, a lithium salt, citric acid, and phenolphthalein.

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 article, were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle label) "Hepatona * * * Hepatic Stimulant, Coagogue and Eliminator of Uric Acid;" (circular) "Hepatic Stimulant * * * it exercises a stimulative action over the hepatic cells and is efficacious even in smaller doses * * * regularizes the action of the intestines, * * * It is a smooth and efficacious hepatic stimulant. Prominent authorities consider it the best remedy for cirrhosis of the liver * * * is a powerful eliminating agent in toxic conditions. * * * thus obtaining its stimulative action over the liver without the necessity of administering large doses. * * * the preferred eliminator for innumerable conditions where the clearing of the system from katabolic products and the removal of toxic materials from the blood is desired. * * * It is also of great help for the treatment of disorders of the kidneys; it eliminates the toxic substances from the alimentary canal, thus relieving them from the work of expelling those toxic products. This allows the kidneys to rest and to recover their normal functions. * * * In the treatment of the diseases of the skin of any origin, the necessity of keeping the blood free from these toxic products has been acknowledged."

On July 8, 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.*