

19517. Misbranding of Hepatona. U. S. v. 24 Bottles of Hepatona. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26458. I. S. No. 5782. S. No. 4748.)

Examination of a drug product, known as Hepatona, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article 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 24 bottles of Hepatona at San Juan, P. R., alleging that the article had been shipped on or about April 7, 1931, by H. K. Mulford Co., New York, N. Y., to San Juan, P. R., and that it was being sold and offered for sale in Puerto Rico by J. M. Blanco (Inc.), San Juan, P. R., 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 ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Hepatona * * * Hepatic Stimulant, Colagogue 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 natural 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.*

19518. Misbranding of Fosfatol tonic. U. S. v. 69 Bottles of Fosfatol Tonic. Default decree of condemnation and destruction. (F. & D. No. 22851. I. S. No. 22474-X. S. No. 864.)

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

On December 19, 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 69 bottles of Fosfatol tonic at Tucson, Ariz., alleging that the article had been shipped by the Vitagenol Medicine Co., from El Paso, Tex., on or about May 4, 1928, and had been transported from the State of Texas into the State of Arizona, 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 compounds of sodium and calcium, strychnine, phosphates, alcohol (10 per cent by volume), glycerin, 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 article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Fosfatol Tonic and Reconstructive Nutritive and Restorative. The presence of phosphorus in the nervous system and in the bones is absolutely indispensable to all living beings. When this substance does not exist in sufficient