

effective for the said purposes. Misbranding was alleged with respect to the Ward's roup and white diarrhoea remedy for the reason that certain statements, designs, and devices appearing on the box label falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for roup, white diarrhoea, and cholera, whereas it was not. Misbranding was alleged with respect to the Ward's stock tonic for the reason that certain statements, designs, and devices appearing on the carton label and leaflet falsely and fraudulently represented that it would be effective to strengthen and regulate the bowels, stomach, kidneys, and liver, aid digestion and assimilation, tone the system and prevent ordinary ailments in cattle, horses, hogs, and sheep; and effective to produce rapid growth, cleanse the system, and build up weak and overworked animals; effective as a treatment, remedy, and cure for epizootic, liver troubles, distemper, hide bound, roughness of hair, loss of appetite and impurity of blood in horses; effective to increase the quantity and quality of milk, tone the system and prevent disease in cows; effective to fatten cattle; effective to develop rapid growth in hogs; effective to strengthen suckling sows and to raise strong and healthy pigs; effective to prevent the ordinary ailments and to insure rapid growth in pigs; effective to fatten hogs and as a treatment, remedy, and cure for coughs; effective to keep stock in good healthy condition; effective to increase flesh and wool in sheep; and effective to prevent disease and insure rapid growth in pigs; whereas it would not be effective for the said purposes. Misbranding was alleged with respect to Ward's kidney and bladder medicine for the reason that certain statements, designs, and devices appearing on the bottle labels and in an accompanying circular falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for inflammation of the kidneys and bladder, backache, rheumatism due to kidney disorders and various urinary irregularities; and effective as a treatment, remedy, and cure for kidney, bladder, and urinary disorders; whereas it would not be effective for the said purposes. Misbranding of Dr. Ward's pills was alleged for the reason that certain statements, designs, and devices appearing in an accompanying circular falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for backache, kidney complaints, and diseases arising from disorders of the kidneys and bladder; effective as a quick relief for backache, bladder irritation, congestion of the kidneys, lame back, diabetes, gravel, lumbago, nonretention of urine, and other urinary troubles; and effective as a treatment, remedy, and cure for prostatic troubles; effective to restore a healthy condition to the kidneys and produce pure blood; and effective as a treatment, remedy, and cure for rheumatism, gouty conditions, lumbago, and pain in the back; whereas it would not be effective for the said purposes. Misbranding was alleged with respect to Ward's pain reliever for the reason that certain statements, designs, and devices appearing on the bottle labels falsely and fraudulently represented that it would be effective, when used externally or internally, as a pain reliever; effective as a treatment, remedy, and cure for la grippe, headache, sore throat, mumps, cholera morbus, diarrhoea, colic or cramping, catarrh, neuralgia, rheumatism, spinal affection, frosted limbs, and sprains; whereas it would not be effective for the said purposes.

On June 21, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$240.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19659. Misbranding of Kavatone and Kavatone soft mass pills. U. S. v. 66 Bottles of Kavatone, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 28025, 28026. I S. Nos. 52317-A, 52317-B. S. No. 6064.)

This action involved the interstate shipment of a number of packages of a drug product known as Kavatone, each package containing a sample of Kavatone soft mass pills. Examination of the articles disclosed no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the respective labelings. The Kavatone was represented to be a vegetable product, whereas it contained a mineral drug. It also was found to contain alcohol, which was not declared on the label as required by law.

On April 20, 1932, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 66 bottles of the said Kavatone, and 66 packages of Kavatone soft mass pills, remaining in the original unbroken packages at

Grand Rapids, Mich., alleging that the articles had been shipped in interstate commerce on or about January 19, 1932, by Gray's Medicine Co., from South Bend, Ind., to Grand Rapids, Mich., and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Kavatone consisted essentially of potassium iodide (0.44 gram per 100 milliliters), extracts of plant drugs including a laxative drug, glycerin, isopropyl alcohol (by volume 3.7 per cent), and water, flavored with anise oil and methyl salicylate; and that Kavatone soft mass pills contained extracts of laxative plant drugs.

It was alleged in the libel that the Kavatone was misbranded in that the following statement appearing in the labeling was false and misleading, since the article contained potassium iodide, which is not a vegetable drug: "Prepared by the Combination of Herbs, Roots, Berries, Leaves and Blossoms gathered in various parts of the world and blended." Misbranding of the said Kavatone was alleged for the further reason that the packages and cartons failed to bear a statement on the labels of the quantity or proportion of alcohol contained in the article. Misbranding of the Kavatone was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle cap) "Kavatone Nature's Own Restorative;" (bottle label) "Kavatone;" (carton) "Kavatone the Builder of Strength for the Entire Family. Nature's Own Restorative * * * A splendid tonic and system purifier. * * * is rich in Energy Giving Herbs and strength building roots * * * Aids digestion and promotes general health recommended for Rheumatism, Stomach, Kidney, Liver and Impure Blood * * * Is a Tonic * * * Aids Digestion a Splendid System Purifier." Misbranding of the Kavatone soft mass pills was alleged for the reason that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Envelope) "Kavatone;" (circular) "Kavatone Soft Mass Pills * * * Purify The Inner System * * * natural in their action * * * the most effective stimulant to the bile producing activity of the liver and also promote drainage of the gall bladder and bile passages. By stimulating and toning up the liver so that it will produce and deliver into the intestinal tract the correct quantity and quality of bile, * * * Kavatone Soft Mass Pills should be used with the Kavatone treatment for best results. They should be used with Kavatone until such time as regularity of bowel movement is established."

On July 19, 1932, 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.*

19660. Misbranding of Dr. Suckow's rheumatic remedy. U. S. v. 35 Bottles of Dr. Suckow's Rheumatic Remedy. Default decree of condemnation and destruction. (1939-A. F. & D. No. 28312.)

Examination of the drug product, Dr. Suckow's rheumatic remedy involved in this action, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels and in a circular shipped with the article.

On May 18, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 bottles of the said Dr. Suckow's rheumatic remedy, remaining in the original unbroken packages at Wolf Point, Mont., alleging that the article had been shipped in interstate commerce on or about March 28, 1932, by John K. Suckow, M. D., from Los Angeles, Calif., to Wolf Point, Mont., 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 (4.8 grams per 100 milliliters), potassium iodide (3.2 grams per 100 milliliters), colchicine, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton label were false and misleading: "Guaranteed by John K. Suckow, under Pure Food and Drugs Act, June 30, 1906." Misbranding was alleged for the further reason that the following statements regarding its curative and therapeutic effects, appearing in the labeling,