

On May 18, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19674. Adulteration and misbranding of Earle's Hypo-Cod in tablet form. U. S. v. Earle I. Runner. Plea of nolo contendere. Fine, \$5. (F. & D. No. 26537. I. S. No. 5403.)

This case was based on the interstate shipment of a quantity of a drug product, known as Earle's Hypo-Cod in tablet form, which was represented to contain the therapeutically valuable principles of cod-liver oil. Examination showed that the article contained no perceptible amount of vitamin A, the characteristic vitamin of cod-liver oil. The bottles and cartons and the circular accompanying the article also bore unwarranted curative and therapeutic claims.

On November 4, 1931, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Earle I. Runner, Wheeling, W. Va., alleging shipment by said defendant in violation of the food and drugs act as amended, on or about January 30, 1930, from the State of West Virginia into the District of Columbia, of a quantity of the said Earle's Hypo-Cod in tablet form, which was adulterated and misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of iron, manganese, calcium, quinine, strychnine, and phosphorous compounds, extracts of plant drugs including a laxative drug, and a solid fatty acid. Biological examination showed that the article contained no vitamins of cod-liver oil.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard under which it was sold, in that it was represented to be an improved compound cod-liver oil product rich in health-building vitamins which contained extractives of pure cod-liver oil representing millions of strength-building vitamins and rich in the extractives of codfish livers, whereas the article was not an improved compound cod-liver oil product; it was not rich in health-building vitamins; it did not contain extractives of pure cod-liver oil, and contained no strength-building vitamins, and it was not rich in the extractives of codfish livers, in that said article contained no vitamins derived from codfish livers.

Misbranding was alleged for the reason that the statements, "An improved Cod Liver Oil Tablet * * * the extractive of pure cod liver oil * * * containing the extractives or medicinal parts of pure Cod Liver Oil," borne on the carton and bottle, and the statement, "Earle's Hypo-Cod In Tablet Form the improved Cod Liver Oil Tablet * * * Rich in Health-Building Vitamines * * * rich in the extractives of cod fish livers—that part of cod liver oil which contains the millions of vitamins," contained in the circular, were false and misleading in that they represented that said article was an improved compound cod-liver oil product rich in health-building vitamins, and which contained extractives of pure cod-liver oil representing millions of strength-building vitamins and rich in the extractives of codfish livers, which contained millions of vitamins, whereas said article was not an improved compound cod-liver oil product; said article was not rich in health-building vitamins; said article contained no extractives of pure cod-liver oil and contained no strength-building vitamins; said article was not rich in the extractives of codfish livers and did not contain millions of vitamins; it contained no extractives of codfish livers and contained no vitamins. Misbranding was alleged for the further reason that certain statements, designs and devices regarding the curative and therapeutic effects of the article, appearing on the bottle and carton labels and in the circular, falsely and fraudulently represented that it was effective as a rebuilder of wasted and wornout tissues, effective as a health builder, effective as a treatment for nervousness, indigestion, impaired nutrition, malassimilation, anaemia and impure blood, effective as a general tonic in run-down and debilitated conditions of the system, effective to build up wasted and run-down systems, to put flesh on thin, frail bodies, and to make better health in general; effective as a general health and strength builder for thin, frail, run-down and wornout people, effective as a great health and strength builder, effective as a reliable health and flesh builder, effective to bring back to normal health those who lack ambition and energy and whose system is at its lowest ebb and those who have no appetite and those

whose complexion is pale and sallow, effective as a substitute for cod-liver oil in the treatment of weak, thin, scrawny, and scraggly children and to build up and strengthen little children, and effective as a treatment for weak and sickly children; when, in truth and fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the said purposes.

At the Wheeling May, 1932, term of court the defendant entered a plea of nolo contendere, and on May 18, 1932, a fine of \$5 was imposed by the court.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19675. Misbranding of Dr. Tripp's tonic prescription. U. S. v. 12 Bottles of Dr. Tripp's Tonic Prescription. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27923. I. S. No. 47832. S. No. 5929.)

Examination of the drug product, Dr. Tripp's tonic prescription, involved in this action, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in a circular shipped with the article.

On or about March 22, 1932, the United States attorney for the Eastern 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 12 bottles of the said Dr. Tripp's tonic prescription at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 25, 1932, by the Norwood Pharmaceutical Co., from Chicago, Ill., to Detroit, Mich., 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 potassium iodide (2.28 grams per 100 milliliters), extracts of plant drugs including colchicum, cinchona, and a laxative drug, red saunders, alcohol, and water. Total cinchona alkaloids (0.17 gram per 100 milliliters, 7 milligrams per teaspoonful).

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Be Alive! Enjoy Rugged Health Use * * * for Blood Impurities * * * Rheumatism, Arthritis, Neuritis, and All Blood or Skin Troubles * * * How Health Dies Watch for These Symptoms Health Chart Blood Impurities Skin Troubles * * * Nervous Debility Rheumatism * * * Many Ills Result From Some Slight Cause But—Human Wrecks Gain New Health, Strength, Vigor, Through Dr. Tripp's Marvelous Scientific Discovery—a Tonic Prescription that Revitalizes the Entire Human System by Eliminating Poisons The Downward Road Human forms are merely pieces of mechanism—vastly more delicate, however, than any machine of human construction. But, like an automobile, for example, if the transmission becomes clogged, if the obstruction is allowed to continue, the entire mechanism is certain to 'go to pieces.' So, if some obstruction to the working of the human system occurs—if some functioning organ, nerve center, blood cell or canal, becomes a subject of interference in its operation, and this condition is allowed to continue, defects in functioning are certain to spread throughout the human system. Thus, even a 'tired feeling' is a sure index that something is wrong with the internal mechanism. Mere weariness is a warning that some portion of the system needs careful attention to determine its health status. Constipation a First Step towards a Completely Disorganized System It is an axiom in the medical world that Constipation is the cause of more serious complications, the basis of many more dangerous ailments, than any other form of obstruction to functioning of the organs. Constipation merely means that the digestive tracts and organs are not working properly. When that occurs, even though the trouble may have lasted only a few days, various poisons have been developed from the food secretions. They become distributed to the entire human system through blood action. When a second 'slight attack' of Constipation occurs, more poisons are sent through the system—and Constipation becomes more frequent—it turns into a 'chronic' case. Carelessness Aids No ailment is neglected so frequently through carelessness as Constipation. It is characteristic of humans to regard Constipation merely as a temporary condition. Yet, among first results of Constipation are such perilous ailments and diseases as all blood and skin disorders, fevers of various types, constant