

Drug Co., from St. Louis, Mo., to Fort Smith, Ark., 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 extracts of plant drugs, including a laxative drug, such as senna, a small proportion of salicylic acid, 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: (Bottle) "Fem Tonic * * * Recommended for Non-Surgical Cases where it is desired to Tone and Strengthen The Female Organs. Correct the conditions commonly known as Painful and Irregular Menstruation and a palliative for the distress accompanying Menopause (change in life) * * * Beneficial During Pregnancy * * * Fem Tonic For Women * * * Merrell's Female Tonic * * * Beneficial During Pregnancy"; (circular) "Fem Tonic * * * for Ills Peculiar to Womankind Fem Tonic for Women * * * contains ingredients recognized by the medical profession for their tonic and strengthening effect upon the female organs. * * * For Women * * * Female Weakness and may be depended upon to produce blessed relief and benefit in even those cases which nothing else seems to reach. It builds up, tones and strengthens the delicate female organs, promoting healthy, vigorous, and harmonious activity and helps regulate and functions. It is, therefore, a most dependable internal medicine. For Painful Menstruation including delayed, profuse, scanty and irregular periods: also for the distressing symptoms which accompany the menopause or change of life. Relieves leucorrhoea (whites). During Pregnancy * * * for Women—is not only a safe and dependable medicine but one which will do much toward building up the generative organs, lessening the pains of labor and hastening recuperation after childbirth. For Girls and Young Women who are anemic, weak, nervous, irregular, Fem Tonic for Women—is a blessing. Its strength-building properties which exert a beneficial effect upon the entire system and particularly upon the female organs, produce beneficial results if the directions are followed"; (carton) "Fem Tonic for Women * * * Merrell's Female Tonic Recommended for Non-Surgical Cases where it is desired to Tone and Strengthen The Female Organs Correct the conditions commonly known as Painful and Irregular Menstruation and as a palliative for the distress accompanying Menopause (change in life) * * * Beneficial During Pregnancy * * * absolutely safe to use during the entire period of pregnancy. It acts as a valuable aid in reducing the pains of labor and promotes speedy recuperation. Fem Tonic for Women * * * Merrell's Female Tonic * * * beneficial effect upon the female organs * * * Dependable * * * Especially Recommended for Weakness, Disturbed Functions, Leucorrhoea (whites), scanty, Profuse, Painful and Irregular Menstruation, Distress Accompanying Menopause (change in life), and similar conditions which may be amenable to nonsurgical treatment. Fem Tonic for Women."

On January 10, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20368. Misbranding of Walker's Old Indian health tonic. U.S. v. 37½ Dozen Bottles of Walker's Old Indian Health Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28932. Sample no. 16683-A.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for the article in the labeling.

On September 22, 1932, the United States attorney for the Southern District of Florida, 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 37½ dozen bottles of Walker's Old Indian health tonic, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 25, 1932, by the Walker Co., from Atlanta, Ga., to Jacksonville, Fla., 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 contained, per 100 milliliters: Magnesium sulphate (27 grams), ferric chloride (1.4 grams), quinine sulphate (0.09 gram), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent: "Health * * * The Unfailing Remedy for Laziness and a Drowsy, Tired, Sleepy Feeling. Relieves Indigestion * * * Biliousness * * * Dizziness, Sick Headache, Numbness or Chills, Kidney or Bladder Troubles, * * * Piles, Jaundice, Dropsy, Loss of Appetite, Weakness, Tired Feeling, Stimulates and Purifies the Blood."

On October 14, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20369. Adulteration of ether. U.S. v. 400 Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to Government agency for laboratory use. (F. & D. no. 28889. Sample no. 1198-A.)

This case involved a quantity of ether, samples of which were found to contain peroxide, a decomposition product.

On September 12, 1932, the United States attorney for the Southern District of California, 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 400 cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 24, 1932, by the Mallinckrodt Chemical Works, from St. Louis, Mo., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by tests laid down in the said pharmacopoeia official at the time of the investigation, and its own standard was not stated on the label.

On November 4, 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 delivered to the chemical laboratory of the Bureau of Industrial Alcohol, at Los Angeles, Calif., to be used for purposes other than for anaesthesia.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20370. Misbranding of Numoss. U.S. v. Tina Rubano and Charles Rubano (C. R. Products Co.). Pleas of guilty. Fines, \$50. (F. & D. no. 28146. I.S. no. 48756.)

Examination of the drug product Numoss, on which this action was based, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects, claimed on the bottle and carton labels and on a display card and circular shipped with the article.

On September 15, 1932, the United States attorney for the Southern District of New York, 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 Tina Rubano and Charles Rubano, trading as the C. R. Products Co., New York, N.Y., alleging shipment by the said defendants in violation of the Food and Drugs Act, as amended, on or about January 9, 1932, from the State of New York into the State of New Jersey, of a quantity of Numoss which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of ammonium chloride, a small proportion of creosote, Irish moss, sugar, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle and carton labels and the display card and in an accompanying circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, bronchial coughs, all conditions of cough, acute and chronic bronchitis, bronchial asthma, spasmodic coughs, whooping cough and similar diseases of the respiratory organs, and