

therapeutic effects of the articles were false and fraudulent: (Ol De Vita, bottle and wrapper label) "Ol de Vita * * * Properties: destroys cold and catarrhal pus bacilli when taken internally—10 to 20 drops, in tablespoonful water, twice daily. External rubbing on effected parts, relieves and conquers rheumatic conditions"; (Ol De Vita, circular) "Ol De Vita * * * healing * * * relieves various types of pain caused by: * * * ear-ache, tooth-ache, * * * dislocations, indigestion and muscular rheumatic conditions. * * * for anointing * * * eruptions of the skin, * * * for colds of the nose and throat. * * * as a tonic for nervousness and chronic weak nerves and sleeplessness. * * * as a recuperative in cases of mental and bodily exhaustion. * * * most effective (diluted with olive oil) in dissolving gall stones, neutralizes uric acid blood content. * * * in promoting health of mouth and teeth; perfecting the health and beauty of the features. * * * to promote healthy hair growth. * * * and sometimes elimination of hemorrhoids (piles). * * * effective in combatting diseases of animals and fowls. * * *. Most effective remedy in emergency and chronic cases. * * * Apply a few drops to pain area, * * * In rheumatic conditions * * * For internal treatment: 10 drops on a small lump of sugar or tablespoonful of water or tea"; (Vita salve, carton) "Remedy for Many Ailments * * * Ol de Vita * * * Vita Salve * * * Healing"; (Vita salve, tube) "Vita-Salve * * * Skin Eruptions— * * * Rheumatism."

On March 31, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

20745. Misbranding of Lymphin. U. S. v. 8 Boxes of Lymphin-Masc. and 20 Boxes of Lymphin-Fem. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 28675, 28676. Sample nos. 13601-A, 13602-A.)

This case involved two lots of drug preparations, labeled Lymphin-Masc. and Lymphin-Fem., accompanied by circulars containing identical curative claims. Analyses showed that the articles contained no medicinal agents capable of producing the curative and therapeutic effects claimed.

On August 25, 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 a libel praying seizure and condemnation of 8 boxes of Lymphin Masc. and 20 boxes of Lymphin Fem., remaining in the original unbroken packages at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce between the dates of April 14, 1932 and May 2, 1932, by the Bika Biochemical Laboratories from Philadelphia, Pa., into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Lymphin-Masc. consisted of tablets consisting essentially of milk sugar, starch, ground plant material, a small proportion of organic nitrogenous material, and 1.4 percent of inorganic material including iron, calcium, sodium, potassium and magnesium phosphates, sulphates and chlorides; and that Lymphin-Fem. consisted of tablets composed of milk sugar, starch, ground plant material, a small proportion of organic nitrogenous material and 0.6 percent of inorganic material including calcium, potassium, sodium, iron and magnesium phosphates, chlorides and sulphates.

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative and therapeutic effects were false and fraudulent: (Circular) "Lymphin Male. Female. * * * Among the constitutionally weak, the lymphically-inclined patient, is incapable of resisting the assaults of stress or disease; youth and mature age are susceptible to lymphic tendencies. Disturbances in the thymus gland produce a lymphic condition. Tendency toward childishness in old age, is one of the several manifestations, also thymus-hyperplasia and thymus-persistenz. As is known, in youth, the thymus and germinative gland exert a profound influence upon each other. In view of the fact of the close interrelation of the thymus, germinative and hypophyse glands, Bika-lymphin is the remedy overcoming a disturbance in their normal functioning. Bika-lymphin also reaches the many disturbances of body and intellect old age is heir to. Symptoms: Lymphatic constitution, Lymphatic anemia, goitre, (protruding eyeball-type, accompanied by trembling, rapid heart action) scrofula, weakness of old age. * * * An essential func-

tion of gland therapy is its ability to directly influence the encretory glands, in the event of an under production of hormones—with its resulting disturbance of the health balance. The unique effectiveness of Bika gland remedy lies in its ability to restore the equal balance of hormone production; encouraging uninterrupted hormone production in normal, minute quantities acceptable to the bloodstream. Recognizing the fact that the human organism reacts unfavorably when hormone-production balance is disturbed; Bika gland remedy attacks and equalizes this condition. Heretofore, the effective introduction of hormone-stimulating preparations were hampered by the necessity of the hyperdermic method; which restricted the physician to a minute and oft-repeated dosage, with its frequently unpleasant reactions and manifestations. This condition was the lesser evil compared to the hyperdermic, which introduced a greater mass of hormones, thereby forcibly creating a rapid rise in the hormone balance—the sudden shock attended by alarming physiological reactions. Vastly superior in effectiveness * * * the law of reabsorption and metabolism, encouraging and stimulating effected glands into normal productivity. * * * assures an established, permanent hormone balance.”

On March 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

20746. Adulteration and misbranding of ginger. U. S. v. Samuel H. Niman. Plea of guilty. Fine, \$100. (F. & D. no. 26616. I. S. no. 026589.)

This action was based on an interstate shipment of extract of Jamaica ginger that was represented to be of pharmacopoeial standard. Examination showed that the article did not conform to the requirements of the United States Pharmacopoeia; since it was deficient in ginger extractives and phenols were found, which are not present in the pharmacopoeial product. The article also contained less alcohol than declared on the carton and bottle.

On December 3, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Samuel H. Niman, Worcester, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 21, 1930, from the State of Massachusetts into the State of Rhode Island, of a quantity of extract of Jamaica ginger that was adulterated and misbranded. The article was labeled in part: (Carton) “Niman’s Brand Pure Extract Jamaica Ginger Pure Alcohol about 90% * * * Bottled by S. H. Niman, Worcester, Mass.”; (bottle) “Niman’s Pure Fluid Extract of U. S. P. Ginger Alcohol Approx. 85%.”

It was alleged in the information 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, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that the pharmacopoeia provided that 1,000 grams of ginger should yield 1,000 cubic centimeters of the article; whereas the article was deficient in material derived from ginger, and contained a phenolic compound not mentioned as a constituent of fluidextract of ginger by the said pharmacopoeia; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement “Alcohol about 90%”, borne on the carton, and the statements, “Pure Fluid Extract of U. S. P. Ginger, * * * Alcohol Approx. 85%”, borne on the bottle label, were false and misleading, since it contained less than 85 percent of alcohol and was not fluidextract of ginger that conformed to the standard laid down in the said pharmacopoeia. Misbranding was alleged for the further reason that the article was a mixture deficient in material derived from ginger, and which contained a phenolic compound, prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale and was sold under the name of another article; and for the further reason that it contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On January 11, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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