

3984. Misbranding of "Carswell's Liver-Aid." U. S. v. E. L. Carswell Medicine Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 6134. I. S. No. 7671-h.)

On March 16, 1915, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the E. L. Carswell Medicine Co., a corporation, Americus, Ga., alleging the shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 10, 1914, from the State of Georgia to the State of Alabama, of a quantity of "Carswell's Liver-Aid," so-called, which was misbranded. The product was labeled: (On bottle) "Does the work of Calomel. Carswell's Liver-Aid 20 Per Cent. Alcohol Purely Vegetable, Perfectly Harmless and Pleasant to the taste Does the work of Calomel without the danger of Salivation, Nausea, or Interfering with Your Regular Habits. Relieves Constipation For the cure of all stomach troubles, such as Dyspepsia, Biliousness, Sick Headache, Dizziness, Sour Stomach and all Liver, Kidney and Bladder Trouble. Directions: To cleanse the system thoroughly when bilious or constipated or with headache, colds, fever, etc., take 3 to 5 teaspoonfuls and repeat the dose if necessary. For indigestion, foul stomach, sallow complexion or habitual constipation, jaundice, etc. Take 1 to 2 teaspoonfuls night and morning, for children according to age, strength and condition of bowels. Guaranteed and Manufactured by E. L. Carswell Medicine Co. Americus, Ga. Under the Food and Drugs Act, June 30, 1906. Serial No. 40431 A." (Blown in Bottle) "E. L. Carswell Medicine Co., Americus, Ga." (On carton) "Guaranteed By E. L. Carswell Medicine Co., under the Pure Food and Drug Act of June 30th, 1906. Serial No. 40431 A. Does the work of Calomel Carswell's Liver-Aid Contains 20% Alcohol. A purely vegetable liquid, perfectly harmless and Pleasant To The Taste. The Ideal Medicine For Grown People And Children. Relieves Constipation. Liver-Aid Does the Work of Calomel Without Danger of Salivation, Nausea, Griping or Interfering With Your Regular Habits. Manufactured by E. L. Carswell Medicine Co., Americus, Ga. Price, 50 cents. Guarantee. Your Dealer will sell you a bottle of Liver-Aid under the Positive Guarantee, that if it fails to give you entire satisfaction he will refund you the price you paid for it. Take No Substitute. Nothing so good as Liver-Aid. Signed, E. L. Carswell Medicine Company. Liver-Aid for the Cure of Constipation, Indigestion and All Diseases of the Liver and Kidneys. Liver-Aid is Pleasant to the taste, therefore is the Ideal Tonic for children as well as grown folks. It is the Most Effective Tonic and Builds up the Whole System, Strengthens and Tones the Liver and Kidneys. Aids in Perfect Digestion and Makes Rich Blood. Liver-Aid Is not only the Best Cathartic but a Natural, Effective, Sure Tonic Laxative that can Always Be Depended Upon. It Takes the place of Calomel in its action upon the Liver and Does the Work Far Better, Without any of the Bad Effects of Calomel. Please read every word on this Wrapper. See the Guarantee. E. L. Carswell Medicine Co." (Portion of label in German, French and Spanish on side of carton.)

Analysis of a sample of the product by the Bureau of Chemistry of this department showed it to be a hydroalcoholic sirup, containing 18 per cent by volume of alcohol, 33.87 per cent glycerin, 24.38 per cent invert sugar, and a cathartic drug, probably senna.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label aforesaid, to wit, (on bottle) "* * * Carswell's Liver-Aid * * * For the cure of * * * all liver, kidney and bladder troubles." (On carton) "* * * Liver-Aid for cure of * * * all diseases of the liver and kidneys * * * Aids in perfect digestion and makes rich blood," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the

purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, as a cure for all liver, kidney, and bladder troubles and all diseases of the liver and kidneys and effective for making rich blood, when in truth and in fact said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, for the cure of all kidney, liver, or bladder troubles or all diseases of the liver or kidneys or effective in making rich blood.

On May 11, 1915, the defendant company entered a plea of *nolo contendere* to the information, and on May 13, 1915, the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*