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On May 15, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hi-Test Laboratories, Inc., Cleveland, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 10 and August 6, 1935, from the State of Ohio into the States of Tennessee and Missouri, respectively, of quantities of Dr. Grabill's Prescription No. 1313 which was misbranded. The article, which consisted of tablets, was labeled in part: "Distributed by Hi-Test Laboratories, Cleveland, Ohio."

Samples from each of the two shipments were found to contain 7.71 grains and 7.72 grains, respectively, of cinchophen per tablet.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, borne on the package label, falsely and fraudulently represented that it was effective as a relief from rheumatism, sciatica, neuralgia, lumbago, sore muscles, neuritis, and arthritis; and effective to assist in the elimination of acid poisons. It was alleged to be misbranded further in that the statements, "Contains No Narcotics and Are not Habit Forming Prescribed by Leading Physicians Directions," were false and misleading in that they represented that the article when taken in accordance with directions, was harmless; whereas it was a harmful and dangerous preparation which contained cinchophen.

On November 8, 1937, the defendant entered a plea of nolo contendere, was found guilty by the court, and sentenced to pay a fine of \$100 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

28707. Misbranding of Happy Day Headache Powders. U. S. v. 504 Packages of Happy Day Headache Powders. Default decree of condemnation and destruction. (F. & D. No. 40637. Sample No. 53375-C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On November 3, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 504 packages of Happy Day Headache Powders at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about July 31, 1937, from Lafayette, La., by Gulf Laboratories Co., Inc., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that the powders each contained approximately 2.4 grains of acetanilid, 3.2 grains of aspirin, 0.4 grain of caffeine, and 0.2 grain of phenolphthalein, together with milk sugar and a small amount of citric acid.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Package label) "For the Relief of Discomfort Arising from * * * Nervousness * * * Women will find this especially beneficial during painful menstrual periods"; (white circular) "Pains Caused by Menstrual Disturbances * * * For Relief of * * * Tonsillitis * * * 'for throat irritations such as tonsillitis' * * * 'for pains caused by menstrual disturbances.' * * * 'will give relief from flu * * * nervousness.' * * * 'Happy Day is an outstanding remedy.' * * * 'quick relief from pain and discomfort due to * * * rheumatism, influenza, throat irritations and nervousness'"; (leaflet) "Happy Day For The Flu * * * nervousness * * * will give relief to people suffering from the flu * * * for throat irritations such as tonsillitis * * * Happy Day Will Afford Relief From Pains Due to Rheumatism * * * will afford amazingly quick relief from pains and discomfort due to * * * rheumatism, influenza, throat irritations and nervousness. * * * for rheumatic pains, nervousness * * * for irritations of the throat * * * quickly relieve pains caused by * * * rheumatic pains * * * an outstanding remedy * * *. Will Relieve Pain Caused by Menstrual Disturbances * * * will particularly afford relief from pain caused from menstrual disturbances. * * * effective for the treatment of headaches and ailments of similar nature."

On February 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*