

Analyses of samples of the article showed that it consisted essentially of a coarsely ground plant material composed mainly of juniper wood, bark, needles, and berries and small quantities of uva ursi and senna leaves.

The article was alleged to be misbranded in that the statement borne on the package label, "Diatine is * * * a palatable, stimulating * * * beverage that promotes elimination and assists in balancing the body chemistry," meant to sufferers from diabetes that their bodies would regain the ability to convert sugar in the blood into the substances normally produced in healthy persons; further that the word "Diatine" constituted a device; that the statement and device were representations regarding the curative and therapeutic effects of the article, and were false and fraudulent since they meant to the purchaser that the article was a treatment for diabetes; that they had attained such meaning as a result of statements in a circular, entitled "Diatine," in which the article was represented to be effective in the treatment of those troubled with diabetes, albumen, uric acid, and kidney disorders, a supply of which circulars was received by the consignee from the consignor and distributed to customers and prospective customers.

On March 16 and April 26, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28740. Misbranding of Zomogo Oil. U. S. v. 16 Bottles of Zomogo Oil. Default decree of condemnation and destruction. (F. & D. No. 41580. Sample No. 2257-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 1, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bottles of Zomogo Oil at Salem, Mo., alleging that the article had been shipped in interstate commerce on or about January 20, 1938, from Hot Springs, Ark., by L. Zomogo Hood, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of a petroleum distillate (approximately 50 percent) and oils of plant origin such as cassia, clove, eucalyptus, and mustard oils.

The article was alleged to be misbranded in that the statement on the label, "Directions: Apply well over affected part. Read directions on circular carefully," and representations in an accompanying circular, regarding its effectiveness in the treatment of tuberculosis of the lungs and spine, pellagra, asthma, rheumatism of all kinds, neuritis, sciatica, arthritis, influenza, lumbago, Bright's disease, dropsy, typhoid fever, smallpox, measles, chickenpox, eczema, rash, diabetes, deafness, earache, catarrh, headache, cancer, pyorrhea, toothache, blood poison, dandruff, quinsy, diphtheria, sore throat, acute indigestion, gallstones, gall-bladder trouble, bite of black widow spider, lockjaw, kidney trouble, bloating, pneumonia, female trouble, coughs, spinal meningitis, bone abscess, nerve and heart trouble, blood poisoning, high blood pressure, convulsions, muric (sic) acid poisoning, carbuncles, and ovarian trouble, were false and fraudulent.

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

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

28741. Adulteration and misbranding of Espiritu Water. U. S. v. George C. Wooddell (Espiritu Water Co.). Pleas of nolo contendere. Fines, \$10. (F. & D. Nos. 33814, 33990. Sample Nos. 39238-A, 47164-A, 14445-B.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. Samples taken from one of the shipments were found to be polluted.

On July 2, 1936, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court two informations against George C. Wooddell, trading as the Espiritu Water Co., at Safety Harbor, Fla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 7, 1933, from the State of Florida into the State of Georgia, of a quantity of Espiritu Water which was adulterated and misbranded; and on or about September 11, 1933,

and September 4, 1934, from the State of Florida into the State of Massachusetts of quantities of Espiritu Water which was misbranded. The article was labeled in part: "Espiritu Water Co., Safety Harbor, Fla."

Analyses of samples showed that it was a moderately mineralized water with sodium chloride as the predominating mineral constituent.

The product shipped August 7, 1933, into the State of Georgia was alleged to be adulterated under the provisions of the law applicable to food in that it consisted in whole and in part of a filthy and decomposed animal and vegetable substance.

All shipments were alleged to be misbranded under the provisions of the law applicable to drugs in that certain statements, designs, and devices regarding their curative or therapeutic effects, borne on the bottle labels of the shipment of August 7, 1933, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for all stomach disorders or irregularities; effective as a positive cure in many cases of eczema and other skin eruptions; effective as a treatment, remedy, and cure for Bright's disease, bladder troubles, diabetes, dropsy, high blood pressure, gout, neuritis, stomach and bowel troubles, rheumatism, eczema, and psoriasis; of beneficial influence in diseases of the stomach, liver, and kidneys and in rheumatism, neuritis, and kidney stones; and effective to restore youth; and those on the labels of the other shipments falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for kidney stones, neuritis, rheumatism, and other kidney irregularities; effective as a treatment, remedy, and cure for Bright's disease, bladder troubles, diabetes, dropsy, high blood pressure, gout, neuritis, stomach and bowel troubles, rheumatism, eczema, and psoriasis; that it was "of beneficial influence in diseases of the stomach, liver and kidneys, rheumatism, neuritis, and kidney stones;" and effective to restore youth.

On March 1, 1938, the defendant entered a plea of nolo contendere to each information and the court imposed fines in the total amount of \$10.

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

28742. Adulteration and misbranding of morphine sulphate tablets, Calcigol with Iodine Tablets, Septomang Antiseptic Tablets, theobromine tablets; adulteration of Fowler's solution and Elixir Iron, Quinine and Strychnia; misbranding of Pancreatone Capsules. U. S. v. The Crescent-Kelvan Co., George T. Lambert, David Pereira, and George D. Lambert. Pleas of nolo contendere. Judgment of guilty. Fine, \$850. (F. & D. No. 39441. Sample Nos. 7823-C, 15626-C, 15627-C, 15629-C, 16388-C, 16690-C, 16877-C, 16881-C, 27931-C.)

This case involved morphine sulphate tablets which contained less morphine sulphate than declared; Calcigol with Iodine Tablets which contained less iodine than declared; theobromine tablets which contained less theobromine than declared and also undeclared sodium salicylate; Septomang Antiseptic Tablets the labeling of which bore false and fraudulent curative and therapeutic claims and false and misleading antiseptic claims; Pancreatone Capsules the labeling of which bore false and fraudulent curative and therapeutic claims and other misrepresentations; Fowler's solution and Elixir Iron, Quinine and Strychnia which differed from the standard laid down in the United States Pharmacopoeia and the National Formulary, respectively, and which were not labeled to show their own standards.

On June 11, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Crescent-Kelvan Co., a Pennsylvania business trust, Philadelphia, Pa., and George T. Lambert, David Pereira, and George D. Lambert, officers of the trust, alleging shipment by the said defendants on or about June 4 and 12, August 21 and 30, and in or about the second week of September 1936, from the State of Pennsylvania into the States of New York, Maryland, and New Jersey of quantities of morphine sulphate tablets, Calcigol with Iodine Tablets, Septomang Antiseptic Tablets, and theobromine tablets each of which was adulterated and misbranded; quantities of Pancreatone Capsules which were misbranded; and quantities of Fowler's solution and Elixir Iron, Quinine and Strychnia which were adulterated. The articles were labeled in part: "The Crescent-Kelvan Co., Philadelphia, Pa."

Analyses showed that the Septomang Antiseptic Tablets consisted largely of zinc sulphate, potassium permanganate, sodium borate, volatile oils including oil of wintergreen, thymol, eucalyptol, and menthol, and that they were not effective as an antiseptic when used as directed; and that the Pancreatone