

ing shipment by said company in violation of the Food and Drugs Act as amended, on or about May 14 and June 1, 1936, from the State of Florida into the State of Georgia of quantities of British Oil and Citrate of Magnisa, respectively, which were misbranded. The articles were labeled in part: "British Oil \* \* \* Levy Products, Inc. Tampa, Florida"; "Citrate of Magnisa \* \* \* Columbia Drug Co. Savannah, Georgia."

Analysis of the British Oil showed that it consisted of a black viscous oil with an odor which indicated crude oil, turpentine, and other aromatic substances.

The British Oil was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, borne on the wrapper, falsely and fraudulently represented that it was effective as a relief for all scorbutic and rheumatic disorders, contusions and contractions of the nerves, all wandering and other pains, palsy, lameness, swelling and inflammations, fresh wounds, cuts, ulcers, deafness, coughs, shortness of breath, consumption, phthisis, and inward disorders.

The Citrate of Magnisa was alleged to be misbranded in that the statement "Citrate of Magnisa," borne on the bottle label, was false and misleading in that it represented that the article was citrate of magnesia; whereas it was not.

On November 2, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28310. Adulteration and misbranding of Malto-De. U. S. v. 11 Cans of Malto-De. Default decree of condemnation and destruction. (F. & D. No. 39925. Sample No. 36388-C.)**

The calcium, phosphorus, and vitamin D content of this article fell below the standard professed on its label. The labeling also bore false and fraudulent curative or therapeutic claims.

On July 2, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans of Malto-De at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 2, 1937, by Alberty Food Products, Inc., from Hollywood, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of glucose, cane sugar, cocoa, malt, and powdered dry milk. The sugars amounted to 79 percent; the protein to 10 percent, the calcium and phosphorus present as compounds of these elements amounted to less than one-half of 1 percent of the article; and each gram contained approximately one-half U. S. P. unit of vitamin D.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (can label) "Contains 12½ per cent Soluble Calcium and Phosphorus to each pound mix. \* \* \* Eight heaping teaspoonsful approximately equal the calcium, phosphorous content in a quart of milk. Two rounding teaspoonsful of Malto-De when added to an eight ounce glass of milk \* \* \* is equal to: \* \* \* The calcium value of 4¼ glasses of milk. The phosphorous value of 2¾ glasses of milk. The vitamin 'D' value of 6-29 glasses of milk. One glass of average milk to which has been added one ounce portion (2 tsp.) Malto-De will be increased in potency as follows: \* \* \* Calcium value 370% Phosphorous value 225% Vitamin 'D' value 600% to 4650%." (Similar statements in booklet.)

It was alleged to be misbranded in that the statements, (can) "Malto-De \* \* \* containing calcium phosphorus D exceptionally rich in sunshine Vitamin 'D' Malto-De," together with the statements above quoted from the can label were false and misleading. It was alleged to be misbranded further in that the booklet shipped with it contained false and fraudulent representations regarding its effectiveness to correct a deficiency in calcium, phosphorus, and vitamin D; to obtain complete growth, strong, well-formed bones, sound, hard teeth; to maintain the perfect skeletal structure of the human body, and to obtain and preserve the normal, balanced relationship of phosphorus and calcium in such body; to prevent brittleness in the bones of aged persons; to promote an optimum state of health and vigor, to increase resistance to bacteria and to postpone senility and death; to protect living teeth against decay; to regulate phosphorus metabolism and calcium; to eliminate and prevent rickets; to

develop normally the bones and teeth and to promote general good health; to avert poor bone development, muscular weakness, decayed, crowded, and uneven teeth and difficulty in childbirth; to revitalize cell life; to increase strength and pulsation of the heart; to correct defects in blood coagulation; to reinforce body resistance in fever and disease; to reduce nervousness; to tone the nerves, to prevent oxalic acid poisoning, to promote concentration of thought, to give will power, to eliminate magnesium deposits and tooth decay, to combat actively the toxic effect of colon types such as *Bacillus enteritidis*, to change the intestinal flora, to change the intestinal bacteria from acid to alkaline, to eliminate scurvy; to cure "celiac (carbohydrate disturbance) and Sprue diseases," and to definitely control calcium and phosphorus utilization.

On October 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28311. Adulteration and misbranding of Healo Salve and Lucky Heart Kiss Sweet Tooth Paste; and misbranding of Tiger Head Antiseptic Nerve and Bone Liniment, Kandu Vegetable Compound Female Regulator and Builder, Erbru Health Herbs and Iron, Lucky Heart Wonder Skin Ointment, Preacher's No-Ru Kidney Bladder Rheumatism Backache Remedy, Vapo Nose and Throat Drops, Vapo Overnight Salve, Glandeen, San-I-Gené Douche Powder, Bewino Beef Wine and Iron Tonic and Builder. U. S. v. Lucky Heart Laboratories, Inc., Morris Shapiro, and Ben M. Spears. Pleas of guilty. Total fines and costs, \$600. (F. & D. No. 39816. Sample Nos. 18694-C, 35378-C to 35385-C, incl., 35404-C to 35407-C, incl., 35455-C, 35457-C.)**

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects. Certain of the products were represented to be natural remedies derived from roots, herbs, and similar substances; whereas they contained other ingredients not derived from such sources; other products were falsely represented to be antiseptic or germicidal; one bore on the label false statements as to the content of alcohol and chloroform, one failed to declare on the label the alcohol present in the article and one (Skin Ointment) contained red mercuric oxide, which rendered it potentially harmful to a delicate skin.

On March 9, 1938, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lucky Heart Laboratories, Inc., and Morris Shapiro and Ben M. Spears, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 8, April 30, May 3, and July 12 and 28, 1937, from the State of Tennessee into the States of Missouri and Arkansas of quantities of the above-named drugs which were misbranded and certain of which were also adulterated. Portions of the articles were labeled: "Erbru Roots and Herbs Medicine Co. Memphis, Tenn." The remainder were labeled: "Lucky Heart Co. Memphis, Tenn."

Analyses showed the following: The Tiger Head Antiseptic Nerve and Bone Liniment consisted essentially of extracts of plant drugs including capsicum, a small proportion of oil of sassafras, alcohol (not less than 58.6 percent by volume), chloroform (not more than 23.4 minims per fluid ounce), and water. The Kandu Vegetable Compound Female Regulator consisted essentially of extracts of plant drugs, alcohol, sugar, and water flavored with cloves. The Erbru Health Herbs and Iron consisted essentially of Epsom salt (6.4 grams per 100 cubic centimeters), a small proportion of an iron compound, extracts of plant drugs including a laxative drug, salicylates, sugar, and water. The Wonder Skin Ointment and Brightener contained a small proportion of red mercuric oxide (2.8 percent) incorporated in a petrolatum base. The Preacher's No-Ru Kidney Bladder Rheumatism Backache Remedy consisted essentially of small proportions of potassium acetate, methenamine, extracts of plant drugs, sugar, and water. The Vapo Nose and Throat Drops consisted essentially of small proportions of ephedrine, eucalyptol, and cinnamic aldehyde incorporated in a mineral oil base. The Healo Salve contained small proportions of zinc oxide and camphor, benzocaine, resorcinol, and rosin incorporated in a petrolatum and lanolin base. Bacteriological examination showed that it was not an antiseptic when used as directed. The Vapo Overnight Salve contained approximately 10 percent of volatile oils, including menthol, eucalyptol, and methyl salicylate, incorporated in a petrolatum base. The Kiss Sweet Tooth Paste consisted essentially of calcium carbonate, soap, sugar, glycerin, talcum,