

The Perfection Nutrum was alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it was effective as a treatment for diseases of all kinds in poultry; to prevent diseases in poultry; to regulate the blood, liver, or digestive organs of hens; to make hens lay; to increase production of eggs; to promote the growth of young chicks; to insure strong bone, muscle, abundant plumage and a large fowl; to invigorate the system or cause a glossy plumage and good health; as a regulator and conditioner; to make poultry healthy; to prevent disease; to aid in preventing reinfestation of worms; as a blood tonic; blood purifier and to make red blood corpuscles; as a tonic; as a germ destroyer and toner; and effective to aid digestion and absorb gases, and as a treatment for roup.

On December 14, 1937, a plea of guilty was entered on behalf of the defendant and a fine of \$50 was imposed.

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

28368. Misbranding of Lee's Prescription, Mrs. Bee's Vagi-Anti-Septikones, Elco Hepatic Tablets, R. L. D. Procon Tablets, Elco Asthma Remedy, and Elco Rub. U. S. v. Archie Berland, Rose Kotenberg, and David F. Berland (Erie Laboratories). Pleas of nolo contendere; judgment of guilty. Fines, \$150 and costs. (F. & D. No. 39489. Sample Nos. 18437-C, 18440-C, 18441-C, 18442-C, 18443-C, 19674-C.)

The labeling of these products contained false and fraudulent representations regarding their curative and therapeutic effects. Lee's Prescription for Hay Fever and Asthma contained acetophenetidin, a derivative of acetanilid, and its label failed to bear a statement of the quantity thereof contained in the article. The Elco Asthma Remedy was represented to contain no harmful drugs; whereas it contained potassium iodide and ephedrine sulphate, which are harmful drugs.

On June 9, 1937, 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 Archie Berland, Rose Kotenberg, and David F. Berland, copartners, trading as the Erie Laboratories, Cleveland, Ohio, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 6, 23, and 25 and October 6, 1936, from the State of Ohio into the State of New York, and on or about December 12, 1936, from the State of Ohio into the State of Minnesota of quantities of the hereinafter-described drugs, which were misbranded. The Vagi-Anti-Septikones were labeled: "Prepared for Mrs. Bee's Health Laboratories, Cleveland, O." The remaining products were labeled in part: "Erie Laboratories, Cleveland, Ohio."

Analyses showed that Lee's Prescription consisted chiefly of acetylsalicylic acid, acetophenetidin, and a small amount of alkaloid; that the Vagi-Anti-Septikones consisted chiefly of cocoa butter and a small amount of oxyquinoline; that the Elco Hepatic Tablets consisted chiefly of phenolphthalein, bile salts, emodin-bearing drugs, and capsicum; that the R. L. D. Procon Tablets consisted chiefly of sodium bicarbonate, hexamethylenetetramine, and a very small amount of alkaloid; that the Elco Asthma Remedy consisted chiefly of sugar, water, potassium iodide, and ephedrine sulphate; and that the Elco Rub consisted chiefly of petrolatum, oils of wintergreen and eucalyptus, menthol, camphor, and turpentine.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that Lee's Prescription was effective for lessening the paroxysms of hay fever, rose fever, sinus, la grippe, running nose and weeping eyes; that Mrs. Bee's Vagi-Anti-Septikones were effective as a treatment, remedy, and cure for leucorrhoea; that the Elco Hepatic Tablets were effective as a treatment for hepatic insufficiency, intestinal putrefaction, jaundice, and gall stones, and effective to directly stimulate the liver cells and to produce an increased flow of bile; that the R. L. D. Procon Tablets were effective for the relief of frequent desire to urinate, lack of control and irritation of the bladder, sleeplessness, restlessness, nervousness, prostatic and many unnatural, unhealthy conditions of the bladder and effective for the relief of severe cases thereof; that the Elco Asthma Remedy was effective as a relief for hay fever, coughs, and certain forms of sinus trouble; and that the Elco Rub was effective as a treatment, remedy, and cure for sore throat, croup, whooping cough, rheumatism, stiff neck, nasal catarrh, and persistent and annoying cough. Lee's Prescription was alleged to be misbranded further in that it contained acetophenetidin, a derivative of acetanilid, and the bottle

label failed to bear a statement of the quantity and proportion of acetophenetidin contained in the article. The Elco Asthma Remedy was alleged to be misbranded further in that the statement, "Contains no * * * harmful * * * Drugs," borne on the bottle label, was false and misleading since it represented that the article contained no harmful drugs; whereas it contained harmful drugs, namely, potassium iodide and ephedrine sulphate.

On November 8, 1937, the defendants entered pleas of nolo contendere, were adjudged guilty, and were each fined \$50. Costs also were imposed.

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

28369. Misbranding of Kroup Monia Syrup, Kroup Monia Salve, Red Oil Liniment, and Distilled Spirit Turpentine. U. S. v. W. D. Taylor & Co., Inc., and Clemmie L. Carmichael. Pleas of guilty. Corporation fined \$25. Clemmie L. Carmichael placed on probation for 3 years. (F. & D. No. 39770. Sample Nos. 13603-C, 34516-C, 34531-C, 34532-C, 34941-C.)

This case involved Kroup Monia Syrup the labeling of which contained false and fraudulent curative or therapeutic claims and an incorrect declaration of chloroform; Kroup Monia Salve and Red Oil Liniment the labeling of which contained false and fraudulent curative or therapeutic claims; and Distilled Spirit Turpentine which fell below the pharmacopoeial standard.

On January 20, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against W. D. Taylor & Co., Inc., Bessemer, Ala., and Clemmie L. Carmichael, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 15, 1936, from the State of Alabama into the State of Mississippi of a quantity of Kroup Monia Syrup; and on or about January 9, February 13, and February 19, 1937, from the State of Alabama into the State of Florida of quantities of Kroup Monia Syrup, Kroup Monia Salve, Red Oil Liniment, and Distilled Spirit Turpentine which were misbranded. The turpentine was labeled in part: "Packed By W. D. Taylor & Co. Mfg. Chemists Bessemer, Alabama." The remaining products were labeled in part: "Manufactured by W. D. Taylor & Co. The Home of Taylor Made Remedies Bessemer, Ala."

Analyses showed that the Kroup Monia Syrup consisted essentially of sugar, water, ammonium chloride, glycerin, alcohol, chloroform (1.3 minims and 1.8 minims per fluid ounce, respectively), menthol, and extracts of plant materials including pine; that the Kroup Monia Salve consisted essentially of petrolatum, small quantities of eucalyptol, menthol, thymol, camphor, and oil of turpentine; that the Red Oil Liniment consisted essentially of kerosene, capsicum, and volatile oils including oil of turpentine and oil of sassafras; and that the Distilled Spirit Turpentine was steam-distilled wood turpentine.

The articles with the exception of the Distilled Spirit Turpentine, were alleged to be misbranded in that certain statements in the labeling regarding their therapeutic or curative effects were false and fraudulent in the following respects: The earlier shipment of the Kroup Monia Syrup was represented to be effective as a treatment for the relief of hoarseness and similar bronchial irritations, bronchial irritations, croup, whooping cough, and similar diseases of the respiratory organs. The later shipments of Kroup Monia Syrup were alleged to be effective as a treatment for hoarseness or similar bronchial irritations; and effective as an aid in the relief of hoarseness and bronchial irritations. The Kroup Monia Salve was represented to be effective to relieve inflammation and congestion, and diseases arising from the lungs, throat, and bronchial tubes; effective as a treatment, remedy, and cure for croup, pneumonia, bronchial troubles, catarrh, piles, burns, and inflamed surfaces; and to be penetrating and healing. The Red Oil Liniment was represented to be effective as a treatment for painful affections of the nerve, bone, and muscular system, and for the relief of stiffness of muscles, stiff neck, and swellings; and effective as a treatment, remedy, and cure for stiff joints, muscular rheumatism, lumbago, stiff neck, neuralgia, swellings, cramps in the stomach, and stomach cramps. The Kroup Monia Syrup was alleged to be misbranded further in that the statements (carton) "4 Minims Chloroform to Ounce" and (bottle) "4 Mins. Chloroform to oz." were false and misleading in that they represented that each fluid ounce of the article contained 4 minims of chloroform; whereas each fluid ounce contained less than 4 minims of chloroform, samples from 2 shipments having been found to contain 1.3 minims and 1.8 minims of chloroform per fluid ounce, respectively. The Distilled Spirit Turpentine was alleged to be misbranded in that the statement on the label, "Spirit Turpentine," was false and