

Misbranding of the articles was charged in that the bottle labels bore statements regarding the curative or therapeutic effects of the articles; that the statements represented that the articles were composed of or contained ingredients or medicinal agents or combinations effective, among other things, as remedies for the diseases, ailments, and afflictions mentioned upon the bottle labels; and that the said statements were false and fraudulent.

On May 19, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25810. Misbranding of Kavatone and Kavatone Soft Mass Pills. U. S. v. Gray's Medicine Co., a corporation. Plea of guilty. Fine, \$5. (F. & D. no. 28150. I. S. nos. 52317, 53106, 53107.)

False and fraudulent curative and therapeutic claims were made for these articles, and the package of one of them was without a statement of the quantity of its alcoholic content.

On March 24, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gray's Medicine Co., a corporation, South Bend, Ind., alleging shipments by it in violation of the Food and Drugs Act as amended, on or about January 19, 1932, and on or about February 24, 1932, from South Bend, Ind., to Grand Rapids, Mich., and to Chicago, Ill., respectively, of quantities of Kavatone and Kavatone Soft Mass Pills which were misbranded. The articles were labeled in part: (Bottle) "Kavatone A Splendid Medicine of Proven Merit * * * Contains 3¾% by volume Isopropyl Alcohol * * * Gray's Medicine Co. South Bend, Ind."; (package) "Kavatone Soft Mass Pills * * * Gray's Medicine Company Makers of Kavatone Tonic South Bend, Indiana."

Analyses showed that the Kavatone consisted essentially of potassium iodide (0.44 gram per 100 cc), extracts of plant drugs including a laxative drug, small proportions of volatile oils including anise oil and methyl salicylate, isopropyl alcohol (3.7 percent by volume), glycerin, and water; and that the Kavatone Soft Mass Pills consisted essentially of plant drugs including a laxative drug.

Misbranding of Kavatone was charged (a) in that the labels of the bottles and cartons bore statements that were false and fraudulent representations that the article was effective, among other things, as a splendid medicine of proven merit in the promotion of general health; effective as Nature's own restorative; effective as a builder of strength; effective as a splendid system purifier; effective to give energy and to aid digestion; and effective as a treatment, remedy, and cure for rheumatism, stomach, kidney, liver, and impure blood; (b) in that the article contained alcohol and that the label and the carton failed to bear a statement of the quantity or proportion thereof in the article.

Misbranding of Kavatone Soft Mass Pills was charged in that the labels of the package and a circular enclosed in the package bore statements regarding the curative and therapeutic effects of the article, and that the said statements were false and fraudulent representations that the article was effective, among other things, to purify the inner system; and efficient as the natural and most effective stimulant to the bile-producing activity of the liver; effective to promote drainage of the gall bladder and bile passages; effective to stimulate and to tone up the liver so that it would produce and deliver into the intestinal tract the correct quantity and quality of bile; effective when used in connection with the Kavatone treatment to produce best results; and effective when used in connection with Kavatone to establish regularity of bowel movement.

On October 29, 1935, a plea of guilty having been entered, a fine of \$5 was imposed.

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

25811. Misbranding of Ray-X Water. U. S. v. 11 Cases of Ray-X Water. Decree of condemnation, forfeiture, and destruction entered upon abatement of the claim of the Ray-X Water Corporation through cancellation of its corporate charter. (F. & D. no. 30064. Sample nos. 36609-A, 36612-A.)

The name of this article erroneously implied that it was radioactive; and unwarranted therapeutic and curative claims were made for the article.

On April 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on April 21, 1933, an amended libel praying seizure and condem-

nation of 11 cases of Ray-X Water at Downers Grove, Ill., alleging that the article had been shipped in interstate commerce, in part on or about March 17, 1933, and in part on or about April 1, 1933, by Ray-X Water Corporation [Ray-X Corporation], from Toledo, Ohio, to Chicago, Ill., consigned to Downers Grove, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Ray-X Water."

Analysis of the article showed that it consisted of water containing small proportions of salts in solution and that it possessed no radioactivity.

Misbranding of the article was charged (a) in that there appeared upon the bottle label and in a circular enclosed in the package, a statement in which the article was named and described as "Ray-X Water", which statement was false and misleading, since the said statement implied that the article possessed radioactivity; whereas it did not; (b) in that statements on the bottle label and in the circular aforesaid represented that the article was effective as a cure or remedy in the treatment of tuberculosis, dropsy, fever, infection, burns, liver trouble, gallstones, arthritis, nervous breakdown, digestive disorders, anemia, low blood pressure, influenza, stomach trouble, abscessed kidney, jaundice, acute streptococcus infection, duodenal ulcer, gastric ulcer, prostate glandular trouble, superacidity, infected navel, sinus infection, and other diseases and disorders of the human body; and that the said statements were false and fraudulent.

On May 27, 1936, the corporate charter of the Ray-X Water Corporation, claimant, having been canceled, and the claim by that corporation having abated thereby, a decree of condemnation, forfeiture, and destruction was entered.

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

25812. Alleged misbranding of Calumet Herb Tea. U. S. v. Joseph E. Meyer, trading as the Indiana Botanic Gardens. Demurrer to information sustained and latter dismissed. (F. & D. no. 30343. Sample no. 28092-A.)

Allegedly unwarranted therapeutic and curative claims were made for this article.

On February 22, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph E. Meyer, trading as the Indiana Botanic Gardens, Hammond, Ind., alleging shipment by him, in violation of the Food and Drugs Act as amended, on or about December 30, 1932, from Hammond, Ind., to Denver, Colo., of a package of Calumet Herb Tea which was alleged to be misbranded. The article was labeled in part: (Package) "Meyer Calumet Herb Tea, A Mild Laxative Tonic * * * The most important ingredients are Sacred Bark, German Cheese Plant, Senna, Mayapple, Colic Root, and Rocky Mountain Grape, which are noted for their value in temporary Constipation * * * Directions * * * If very constipated 1 or 2 cupfuls may be taken * * * Innumeral (sic) cases of Headaches, Lassitude, Nervousness, Aching Joints, Gas and Flatulency, a sense of Stuffiness and Loss of Appetite are due to a clogged condition of the bowels * * * By relieving Constipation many cases of Headache, Eye Strain, Rheumatism, Arthritis, Skin Eruption, Nervousness, Insomnia, High Blood Pressure, Catarrh, Sinus Trouble, Tonsillitis, Stomach, Intestinal and Kidney Disorder have been cleared up. One of the main causes of Cancer is constipation and the first requisite for the cure of Cancer is the banishing of Constipation.—From 'The Way to Health'. A Mild, Harmless Bowel Activator Contents 6 ounces."

Analysis showed that the article consisted of dried plant material including senna leaves, juniper root, cascara bark, fennel seed, licorice, mallow root, leaves, and flowers, and unidentified woody material.

Misbranding of the article was charged under the allegations that there appeared on the label of the package statements regarding the therapeutic and curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, as a tonic; effective as a treatment, remedy, and cure for lassitude, nervousness, and aching joints; effective as a treatment for a sense of stuffiness and loss of appetite due to a clogged condition of the bowels; effective to arrest the clogging of the entire intestinal tract, the clogging of the circulation of the blood, the increased pressure on all the nerves and the reabsorption of the toxins and poisons, the pollution of the entire blood stream, the irritation of every nerve in the body, overtaxation of the heart, and interference with the normal function of every organ of the body due to constipation; effective as a preventive of every disease known to humanity traced to constipation; effective as a preventive of headache, eye strain, rheumatism, arthritis, skin eruption, nervousness,