

States of West Virginia and Vermont; and from Virginia on or about April 23, 1934, into the State of New York.

Analysis showed that the article consisted essentially of cornstarch, containing a very small amount of potassium permanganate.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment for abortion and contagious abortion, and effective to correct nonbreeding.

The defendant having entered a plea of not guilty, the case was tried to a jury on April 11 and 12, 1935, and a verdict of guilty was returned. Imposition of sentence was suspended for a period of 3 years, conditioned that the defendant make no shipment of his preparation, or otherwise violate the Federal Food and Drugs Act or other criminal laws of the United States within that period. A motion to set aside the verdict having been overruled, the defendant filed an appeal to the Circuit Court of Appeals for the Fourth Circuit. On October 8, 1935, the appeal was dismissed as premature, without prejudice to the appellant to apply to the court below for the imposition of a sentence from which appeal could be properly taken.

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

25815. Misbranding of Katro-Lek. U. S. v. Katherine Wojtasinski trading as W. Wojtasinski Drug Co., and Walter Wojtasinski. Jury trial. Verdict of guilty as to both defendants on counts 1, 3, and 4. Total fines, \$700. Katherine Wojtasinski placed under probation. Directed verdict of not guilty as to count 2. (F. & D. no. 33945. Sample nos. 58298-A, 67664-A, 67665-A, 67860-A, 67861-A, 67866-A, 67867-A.)

False and fraudulent curative and therapeutic claims were made for this article.

On May 13, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Katherine Wojtasinski, trading as W. Wojtasinski Drug Co., and Walter Wojtasinski, Boston, Mass., alleging shipment by them in violation of the Food and Drugs Act as amended, in the period from on or about February 19, 1934, to on or about April 20, 1934, from Boston, Mass., to Providence, R. I., to Scranton, Pa., and to New York, N. Y., of quantities of Katro-Lek which was misbranded. The article was labeled in part: (Bottle) "Katro-Lek * * * Alcohol 20% * * * Formula by W. Wojtasinski B. S., M. D., Dist'd By W. Wojtasinski Drug Co. Boston, Mass. U. S. A."

Analysis showed that the article consisted essentially of iron and ammonium citrate, extracts of plant drugs including a bitter drug and a laxative drug, beef extract, alcohol (20.8 percent by volume), sugar, and water.

Misbranding of the article was charged in that there was borne on the labels of the bottles and contained in a circular enclosed in the packages, 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 treatment, remedy, and cure for gastritis, dyspepsia, and indigestion due to hyperacidity, ailments of the stomach, stomach trouble, general run-down condition, headaches, nervousness, stomach catarrh, catarrh of the stomach, stomach sickness, intense headache, stomach sufferings, chronic constipation, and gases in the stomach; and effective to increase red blood corpuscles, to promote health, strength, and energy, to regulate the digestive organs, to give tone to the body, and to increase weight.

The case was tried to a jury which returned a verdict of guilty against both defendants on counts 1, 3, and 4 of the information, in which counts misbranding of the article was charged under the foregoing allegations. A directed verdict of not guilty was ordered on count 2 of the information, in which the same charge was made but which involved a specific shipment which was the subject of that count alone, namely, the shipment made on or about February 19, 1934, from Boston, Mass., to Scranton, Pa.

On November 18, 1935, Walter Wojtasinski was sentenced to imprisonment for 2 months and was fined \$600; Katherine Wojtasinski was fined \$100 on count 1 and placed upon probation under counts 3 and 4.

On May 5, 1936, the sentence to imprisonment of Walter Wojtasinski was suspended.

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