

district court a libel praying seizure and condemnation of 64 cartons of Rx 333 at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about August 25, 1936, by the Erie Laboratories from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of aspirin and sodium salicylate.

The article was alleged to be misbranded in that the statements regarding its curative and therapeutic effects, "The Guaranteed Remedy for Prompt Relief of Pain caused by Rheumatism, Lumbago, Neuralgia, Gout, Arthritis, Sciatica, Neuritis, Swollen Joints", appearing on the label were false and fraudulent.

On May 14, 1937, a default decree of condemnation and destruction was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

27375. Misbranding of Picot Grape Flavored Salt and Picot Compound Tablets. U. S. v. 60 Dozen Packages of Picot Grape Flavored Salt, et al. Default decrees of condemnation and destruction. (F. & D. nos. 39259, 39260. Sample nos. 26851-C to 26855-C, incl.)

The labeling of these products contained false and fraudulent curative and therapeutic claims; that of the so-called "Grape Flavored Salt" also contained false and misleading representations as to its composition.

On March 25, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 414 various sized packages of Picot Grape Flavored Salt and 21 packages of Picot Compound Tablets at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about February 9 and February 12, 1937, by Picot Laboratories, Inc., from Wilmington, Del., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the Grape Flavored Salt showed that it consisted essentially of sodium bicarbonate, potassium bitartrate, and tartaric acid with small amounts of sugar and saccharin. It was not colored and had no grape-like taste or odor. Analysis of a sample of the tablets showed that they consisted essentially of sodium salicylate, sodium benzoate, potassium nitrate, magnesium carbonate, uva ursi, and oil of juniper.

The Grape Flavored Salt was alleged to be misbranded in that the following statements in English or Spanish regarding its curative and therapeutic effects, "Grape Flavored Salt * * * Refreshing Beverage * * * it is flavored and colored with natural pure Grape Extract. * * * To protect the public against imitations we have changed our name to 'Picot Salt' because the mark 'Grape Salt' could not be patented. The product * * * contains the same ingredients derived from the grape which it has always contained. * * * Grape Flavored Salt * * * Refreshing Beverage * * * it is flavored and colored with natural pure Grape Extract * * * He who does not ascertain whether it is genuine Picot Grape Salt that he is taking, does not know what he is taking. If It Is Not Picot It Is Not Grape Salt. * * * Refreshing Beverage: A teaspoonful in a glass filled with ice water makes a very agreeable beverage. * * * its taste and color are due to the pure, natural extract of grape which it contains", borne on the wrapper, bottle label, and circular, were false and misleading when applied to an article consisting of the ingredients disclosed by the analysis. The Grape Flavored Salt was alleged to be misbranded further in that the statements in Spanish (card and circular) "Sure Treatment For Rheumatism Rheumatism cannot be cured with local treatments. It is first necessary to expel the uric acid and then to eradicate the acute pain with a medicine which reaches the heart of the ailment. We can recommend as the surest treatment a teaspoonful of Picot Grape Salt in half a glass of water before the first breakfast, two tablets of Picot Compound after each meal and the same dose when going to bed. You will note positive results in three weeks", and (circular) "Protect Your Health With Picot Products * * * stimulates the stomach", borne on the labeling, were false and fraudulent.

The tablets were alleged to be misbranded in that the circular enclosed in the package contained false and fraudulent representations regarding their curative and therapeutic effectiveness as a stimulant and antirheumatic; their effectiveness in the treatment of rheumatism, pains in the back, loins, and lumbar regions; their effectiveness as a sure treatment for rheumatism and as an

aid to the stomach and kidneys; and their effectiveness to expel poisons from the blood.

On April 10, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27376. Misbranding of Alberty's Calcatine, Alberty's Liver Cell Salts, Alberty's Lebara Organic Pellets, and Alberty's Anti-Diabetic Vegetable Compound Capsules. U. S. v. Mrs. Adah Alberty (Alberty Food Laboratories). Tried to a jury. Verdict of guilty. Fine, \$1,000 and costs. Affirmed by Circuit Court of Appeals. (F. & D. no. 32879. Sample nos. 34867-A to 34871-A, incl., 37305-A, 38255-A, 38256-A, 41209-A.)

The labelings of these products bore false and fraudulent curative and therapeutic claims.

On October 31, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Adah Alberty, trading as the Alberty Food Laboratories, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, between the dates of March 25, 1932, and April 5, 1933, from the State of California into the States of Pennsylvania, Washington, and Minnesota of quantities of the above-named products which were misbranded. The articles were labeled in part variously: "Alberty's Calcatine. A Cell and Tissue Salts * * * Alberty's Food Laboratories, Los Angeles"; "Alberty's Liver Cell Salts * * * Alberty Food Laboratories * * * Los Angeles"; "Alberty's Calcatine Different Elements Organic Calcium * * * Alberty's Food Laboratories * * * Hollywood, Calif."; "Alberty's Lebara Organic Pellets Formerly Liver Cell Salts * * * Alberty Food Laboratories * * * Hollywood, Calif."; "Alberty's Anti-Diabetic Vegetable Compound Capsules * * * Manufactured for The Alberty Food Laboratories * * * Hollywood, Calif."

Analyses of samples of the articles by this Department showed that Alberty's Calcatine consisted essentially of milk sugar, a small proportion of calcium phosphate, traces of compounds of iron, magnesium, sodium, and potassium, and chlorides; Alberty's Liver Cell Salts consisted essentially of milk sugar, a small proportion of calcium phosphate, and traces of compounds of iron, magnesium, sodium, and potassium, and chlorides; Alberty's Lebara Organic Pellets consisted essentially of milk sugar, a small proportion of calcium phosphate, traces of compounds of iron, magnesium, sodium, and potassium, and a trace of chloride; Alberty's Anti-Diabetic Vegetable Compound Capsules consisted essentially of powdered plant material, including leaf, stem, and root tissues, and possibly a fruit or seed tissue.

The articles were alleged to be misbranded in that certain statements in the labeling regarding their curative and therapeutic effects were false and fraudulent in the following respects: The bottle label of one lot of the Calcatine falsely and fraudulently represented that the article was effective as a cell and tissue salts; effective as a remedy for the growing organism and as a corrective of constitutional defects; effective as a treatment, remedy, and cure for acidosis, indigestion, calcium starvation, diarrhea, brain irritation, and teething in children; and effective as a tonic in acute diseases, constitutional weaknesses, emaciation, bone diseases, and scrofulous and tubercular tendencies; the bottle label of the remaining shipments of Calcatine falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for calcium deficiency and as an aid in the treatment of acidosis and ailments of the teeth and bones; the bottle label of the Liver Cell Salts falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for malarial disorders, biliousness and diseases of the liver and uric acid diathesis and for ailments marked by excessive secretion of bile and derangement of the liver, gravel, sand in the uterine [urine], biliousness, headache with vomiting of bile, bitter taste, diabetes, trouble arising from living in damp places, malaria, and gout; the bottle label of the Lebara Organic Pellets falsely and fraudulently represented that the article was effective as a liver cell salts, as an aid in the treatment of acidosis, dormant liver, bile secretions, and in clearing the complexion; and that the box label of the Anti-Diabetic Vegetable Compound Capsules falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for diabetes.