

It was alleged to be misbranded in that the jar label, the carton, and a circular enclosed in the carton bore false and fraudulent representations regarding its effectiveness in the treatment of colds in the chest, sinus trouble, sore throat, open sores, stiff joints, stiff neck, inflamed and congested conditions, flu, pneumonia, neuritis, "stuffed up" head, distressing fullness, splitting headache, backache, sprained muscles of the back, rheumatic pains; and its effectiveness to relieve swelling, to restore the tissues to a healthy tone, and to relieve infection.

On June 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**27567. Adulteration and misbranding of Effervescent Seltzer. U. S. v. 74 Cards, each containing 20 Tubes of Effervescent Seltzer For Headaches. Default decree of condemnation and destruction. (F. & D. No. 39516. Sample No. 20592-C.)**

This product was contained in several tubes attached to a card. It contained less acetanilid per ounce than declared on the card and tube, and the amount of acetanilid per tube was not declared. Moreover, the labeling bore false and fraudulent curative and therapeutic claims.

On April 29, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cards, each containing 20 tubes of Effervescent Seltzer For Headaches at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 12, 1936, by the Mills Sales Co. from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Honoroff Laboratories Inc. Chicago Illinois."

Analysis showed that the article consisted essentially of sodium bicarbonate, citric acid, and tartaric acid with 1.2 percent of acetanilid (5 grains per ounce), 2.8 percent of sodium bromide and caffeine.

It was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Each oz. contains twenty grains Acetanilid", since it did not contain 20 grains of acetanilid in each ounce but did contain much less, namely, not more than 5 grains of acetanilid in each ounce.

The article was alleged to be misbranded in that the statement "Each oz. contains twenty grains Acetanilid", borne on the card and tube, was false and misleading since the article contained much less than so represented, namely, not more than 5 grains of acetanilid in each ounce. It was alleged to be misbranded further in that the package failed to bear a statement of the quantity or proportion of acetanilid contained in the article, since the statement made was not correct and was not in terms of the unit required by regulation of this Department. The article was alleged to be misbranded further in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Vial) "Relief for \* \* \* Stomach disorders Excessive Eating, Drinking"; (card) "Relief for \* \* \* Gastric Distress \* \* \* Relief for \* \* \* Stomach Disorders, Excessive Eating, Drinking \* \* \* Relieves \* \* \* Acidity, Gastric Distress."

On May 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**27568. Adulteration and misbranding of M. F. C. Chill & Malaria Tonic and Dr. Dodds Purgolax Tablets. U. S. v. 600 Bottles of M. F. C. Chill & Malaria Tonic and 600 Envelopes of Dr. Dodds Purgolax Tablets. Default decree of condemnation and destruction. (F. & D. No. 39517. Sample No. 18683-C.)**

The Chill & Malaria Tonic was represented on some of its labels as being a quinidine tonic, whereas it contained neither quinidine nor quinine but did contain cinchonine. The labeling of both products bore false and fraudulent curative and therapeutic claims.

On April 29, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 bottles of M. F. C. Chill & Malaria Tonic, each bottle of which was enclosed in a package also containing a sample envelope of Dr. Dodds Purgolax Tablets, at Memphis,

Tenn., alleging that the articles had been shipped in interstate commerce, in various shipments on or about August 24, August 28, and September 17, 1936, by the Southwestern Chemical Co., from Jonesboro, Ark., and charging adulteration and misbranding of the former and misbranding of the latter in violation of the Food and Drugs Act as amended.

Analyses showed that the Chill & Malaria Tonic consisted essentially of sugar, water, cinchonine, phenolphthalein, an iron compound, benzoic acid, and extracts of plant materials; and that the Purgolax Tablets consisted essentially of phenolphthalein, calomel, and laxative plant drugs, such as aloe coated with calcium carbonate, sugar, and a pink coloring material.

The Chill & Malaria Tonic was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (cartons and some labels) "Quinidine Tonic"; (other labels) "Quinine Tonic"; (circulars) "containing quinine," since it did not contain either quinidine or quinine.

The Chill & Malaria Tonic was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading when applied to an article that did not contain either quinidine or quinine: (Carton) "Quinidine Tonic \* \* \* where a Laxative and Quinidine are indicated. \* \* \* with quinidine \* \* \* the Quinidine \* \* \* the Iron and Quinidine combined with a Laxative make an excellent Tonic"; (circular) "\* \* \* containing Quinine \* \* \* Many so-called remedies contain quinine and a laxative but no iron; others contain quinine and iron but no laxative. Dr. Dodd's MFC contains them all"; (some bottle labels) "Quinidine Tonic \* \* \*"; (other bottle labels) "\* \* \* where Quinine and a Laxative are needed \* \* \* Quinine Tonic." The Chill & Malaria Tonic was alleged to be misbranded further in that the bottle labels, cartons, and circulars bore false and fraudulent representations regarding its effectiveness in the treatment of chills, malaria, colds, and fevers due to malaria; and its effectiveness as a general tonic and appetizer; its effectiveness to restore red blood corpuscles, to rebuild the system and to hasten the return of vigor and vitality; its effectiveness to build health, strength and vitality; its effectiveness as an all year around tonic for those feeling "all in," depressed, listless, failing; its effectiveness for lagging appetite and to build resistance against colds; and its effectiveness as an all around medicine for the entire family.

The Purgolax Tablets were alleged to be misbranded in that the envelopes and circulars in some of the envelopes bore false and fraudulent representations regarding the effectiveness of the article in the treatment of auto-intoxication, constipation, and certain forms of biliousness; and its effectiveness to stimulate the liver and intestines and to eliminate toxins from the system.

On July 10, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

**27569. Adulteration and misbranding of Lund's Magic of the Grape. U. S. v. 79 Bottles of Lund's Magic of the Grape (and two other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 39339, 39396, 39581. Sample Nos. 17941-C, 27497-C, 27522-C.)**

This product was labeled to convey the impression that it was grape juice, whereas it consisted of grape juice diluted with about four parts of water and it contained added dextrose (grape sugar). The labeling bore false and fraudulent curative and therapeutic claims.

On April 6, April 20, and May 13, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 364 quart bottles and 95 pint bottles of Lund's Magic of the Grape at New York, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about February 10, March 24, and March 31, 1937, by Lund's Grape Juice Co. from Erie, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged to be adulterated in that water, dextrose, and mineral matter had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength and in that a mixture of water, dextrose, mineral matter, and about 20 percent of grape juice had been substituted for grape juice, which it purported to be.

The article was alleged to be misbranded in that the following statements appearing on the bottle label and accompanying circulars were false and mis-