

Kans., alleging that it had been shipped in interstate commerce on or about September 6, 1935, by the Sanovapor Laboratories from Huntington, W. Va., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of sulphur dioxide ( $\frac{1}{4}$  percent) and water (99 $\frac{3}{4}$  percent).

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effect, borne on the label, falsely and fraudulently represented that it would be effective when used as directed in conjunction with the diet recommended, as a treatment for diabetes: "Dexene Reg. U. S. Pat. Off. A therapeutic \* \* \* agent \* \* \* Diet 5% Vegetables:—String Beans, Spinach, Kale, Lettuce, Cucumbers, Onions, Tomatoes, Asparagus, Cresses, Mushrooms, Celery, Radishes, Olives, Pickles, Cabbage, Cauliflower, Endive, Sauerkraut, Beet Greens, Dandelion Greens, Okra. Soups, Broths, Beef, Mutton, Veal, Ham, Bacon, Eggs, Fish and Shell-Fish, Cream Cheese. Directions—Sanovapor Dexene Take 4 tablespoons (2 oz.) \* \* \* Dexene 40 minutes before each meal and at bed time. Gradually increase the dose until 6 tablespoons (3 oz.) are taken at each dose. If large Dose of \* \* \* Dexene Agree with Patient. Its Effects are More Rapid. Abstain from all sweets and starches. Abstain from All Fruits—raw or cooked, Sweet Milk, Buttermilk, Cereals, Peas, Beets, Turnips, Carrots, Parsnips, Rhubarb, Irish Potatoes, Sweet Potatoes, Macaroni, Spaghetti or Noodles. Prepared by the Sanovapor Laboratories, Inc."

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**26961. Adulteration and misbranding of Papine. U. S. v. 35 Bottles of Papine. Default decree of condemnation and destruction. (F. & D. no. 36872. Sample no. 32447-B.)**

This product contained morphine and chloral hydrate in proportions less than those stated on the label.

On December 26, 1935, 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 35 bottles of Papine at Memphis, Tenn., alleging that it had been shipped in interstate commerce on or about November 15, 1935, by Battle & Co., from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Morphine 1 Gr. Per. Oz. Chloral Hydrate  $2\frac{1}{10}$  Gr. Per Oz."

It was alleged to be misbranded in that the statement on the label, "Morphine 1 Gr. per Oz., Chloral Hydrate  $2\frac{1}{10}$  Gr. Per Oz.", was false and misleading.

On June 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**26962. Misbranding of Alcothol-Rub. U. S. v. 113 Bottles of Alcothol-Rub. Default decree of condemnation and destruction. (F. & D. no. 36923. Sample no. 50470-B.)**

This product was represented on the label to consist essentially of alcohol and to be endorsed by the medical profession; when it consisted largely of water and a small proportion (2.1 percent) of isopropyl alcohol, it had not been endorsed by the medical profession, and the label failed to bear a statement of the quantity or proportion of isopropyl alcohol that it contained.

On January 9, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 113 bottles of Alcothol-Rub at Newark, N. J., alleging that it had been shipped in interstate commerce on or about October 19, 1935, by Fallis, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement, "Alcothol-Rub \* \* \* Endorsed by the Medical Profession", borne on the bottle labels, represented that it consisted essentially of alcohol, and that the medical profession as a whole had endorsed it; when in fact the article consisted largely of water with but a small proportion of isopropyl alcohol, and the

medical profession had not given it such endorsement. It was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On February 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**26963. Adulteration and misbranding of M. Edouard's B. Acidophilus Compound. U. S. v. Zoltan Hubay (. Hubay). Plea of guilty. Fine, \$150. (F. & D. no. 36985. Sample no. 33038-B.)**

The package label of this article bore false and fraudulent curative and therapeutic claims; and representations that it was a *Bacillus acidophilus* compound, that it contained dextrin, kelp, and 16 chemicals and 32 organic minerals that the body is composed of, that it was not a purgative, a cathartic, nor a physic, and that it furnished an unbroken chain of vitamins which is so necessary to perfect health, all of which were false and misleading.

On February 2, 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 an information against Zolton Hubay, trading as Z. Hubay, Memphis, Tenn., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 12, 1935, from the State of Tennessee into the State of Missouri of a quantity of M. Edouard's B. Acidophilus Compound that was adulterated and misbranded.

The article was labeled in part: (Package) "M. Edouard's B. Acidophilus Compound. A thoroughly scientific blend of the finest grades of psyllium, psylla, Japanese Agar Agar, Lactose, Dextrine, Cerea (Kelp which contains vitamins A, B, D, E, F, and G, and 16 chemicals, 32 organic minerals that the body is composed of), and other valuable food ingredients. \* \* \* M. Edouard's B. Acidophilus Compound Edouard Diet System and B. Acidophilus Compound, a new scientific discovery, has and is being used with success. It is carefully given and designed for the following purposes: 1. To remove excessive infective Organisms from the large intestines. 2. To prevent toxic absorption. 3. To change the Intestinal Flora. 4. To introduce Living B. Acidophilus into the large intestines to prevent the growth of the infective types. 5. To stimulate the growth of the Native B. Acidophilus by introducing Lactose (milk sugar). 6. To draw moisture into the large intestines, which allows them to return to their normal softness. 7. To re-mineralize the body and furnish that unbroken chain of vitamins which is so necessary to perfect health. General Directions To Be Followed While Taking Diet, And B. Acidophilus Compound. Portion for Adults—Take 1 teaspoonful of Edouard's Compound before each meal, and 2 teaspoonfuls before retiring, each dose followed by a glass of water. For best results eat upon empty stomach before retiring. (Can be taken with glass of buttermilk, orange juice, or sweet milk.) Edouard B. Acidophilus is an anti-acid accessory food providing bulk and lubrication to promote and restore the natural activity of the digestive and eliminative organs. \* \* \* Not a Purgative Not a Cathartic Not a Physic."

Analysis of the article showed that it consisted essentially of agar agar, psyllium seed, yeast, starch, mold, milk sugar, and phenolphthalein (3 grains for 5 teaspoonfuls); that no kelp nor dextrin was present; and that it contained no vitamin C. Bacteriological test showed that it contained no viable *Bacillus acidophilus*.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, bore on the package labels, falsely and fraudulently represented that it would be effective to remove excessive infective organisms from the large intestines, to prevent toxic absorption; to change the intestinal flora, to introduce living *Bacillus acidophilus* into the large intestines to prevent the growth of the infective types; to stimulate the growth of the native *B. acidophilus*, to cause the return of normal softness to the large intestines, to remineralize the body, to furnish an unbroken chain of vitamins and to insure perfect health; effective as an anti-acid accessory food; and effective to promote and restore the natural activity of the digestive and eliminative organs.

The article was alleged to be misbranded further in that the statements, "M. Edouard's B. Acidophilus Compound", "Edouard Diet System and B. Acidophilus Compound", "Dextrine, (Kelp which contains vitamins A, B, D, E,