

ment, remedy, and cure for backache, pain anywhere in the body caused by colds, rheumatism, or rheumatic trouble, aching joints, scarlatinal-dropsy, chronic disease, general dropsy from valvular disease of the heart and other conditions, bladder troubles, nervousness, nervo-sexual debility, and lost manhood; effective as a diminisher of uric-acid gravel, stone cystitis, stricture, and enlarged prostate; effective as a preventive of uric acid and gravel; and effective to restore the torpid liver to its normal condition, to create a healthy action of the digestive organs, and to relieve other ailments.

On September 21, 1936, the defendant entered a plea of nolo contendere, the court sentenced defendant to pay a fine of \$250, suspended the sentence, and placed defendant under probation for 5 years.

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

**26733. Adulteration and misbranding of Compressed Tablets Phenobarbital and Protargol Vaginal Suppositories. U. S. v. Paul B. Elder (Paul B. Elder Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36944. Sample nos. 32327-B, 33910-B.)**

The Compressed Tablets Phenobarbital were each represented on the label to contain  $\frac{1}{2}$  grain of phenobarbital per tablet, when in fact they contained less. The Protargol Vaginal Suppositories were represented on the label to contain approximately 5 percent of Protargol, when in fact they contained less; and the label bore false and fraudulent representations regarding the curative or therapeutic effect of the article with respect to gonorrhoea.

On April 30, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul B. Elder, trading as Paul B. Elder Co., Bryan, Ohio, charging shipment by said defendant in violation of the Food and Drugs Act on or about April 12, 1935, from the State of Ohio into the State of Iowa of a quantity of Compressed Tablets Phenobarbital that were adulterated and misbranded; and on or about May 31, 1935, from the State of Ohio into the State of Indiana of a quantity of Protargol Vaginal Suppositories that were adulterated and misbranded.

The Compressed Tablets Phenobarbital were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since each of the tablets was represented to contain  $\frac{1}{2}$  grain of phenobarbital; when in fact each of the tablets contained less than  $\frac{1}{2}$  grain of phenobarbital to wit, not more than 0.43 grain. Said article was alleged to be misbranded in that the statement "Tablets Phenobarbital  $\frac{1}{2}$  Grain", borne on the bottle label, was false and misleading, since it represented that each of the tablets contained  $\frac{1}{2}$  grain of phenobarbital; when in fact each of the tablets contained less than  $\frac{1}{2}$  grain of phenobarbital.

The Protargol Vaginal Suppositories were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since each of said suppositories was represented to contain approximately 5 percent of Protargol, when in fact each of the suppositories contained less than approximately 5 percent of Protargol, to wit, not more than 1.18 percent. Said article was alleged to be misbranded in that the statement, "Each suppository contains approximately five per cent of Protargol", borne on the label of the boxes containing the article, was false and misleading, since it represented that each of said suppositories contained approximately 5 percent of Protargol, when in fact each of the suppositories contained less than approximately 5 percent of Protargol. Said article was alleged to be misbranded further in that statements regarding its curative or therapeutic effect, borne on the box labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for gonorrhoea in the female, and effective to destroy the gonococcus.

On September 10, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

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

**26734. Adulteration and misbranding of Commanders. U. S. v. Master Drugs, Inc., a corporation, and William C. Kalash and John E. Von Dorn. Tried to the court. Judgment of guilty. Fine, \$400 and costs. (F. & D. no. 36972. Sample no. 27265-B.)**

The labeling of this article bore false and misleading representations regarding its vitamin content.

An April 16, 1936, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against Master Drugs, Inc., a corporation, and William C. Kalash and John E. Von Dorn, officers of said corporation, whose principal place of business was Omaha, Nebr., charging shipment by said defendants in violation of the Food and Drugs Act on or about February 26, 1935, from the State of Nebraska into the State of Missouri of a quantity of an article labeled "Commanders", in the form of gelatin capsules contained in bottles enclosed in cartons, which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented on the cartons and bottle labels and in an enclosed circular that it contained all six essential vitamins, namely, vitamins A, B, C, D, E, and G, in concentrated form, and that said vitamins were combined in "harmonious proportions" and that each capsule of the article was equivalent in vitamin content to 1 spoonful of cod-liver oil, one cake of yeast, one orange, and 2 pounds of whole wheat, and that one capsule of the article was equal to many pounds of ordinary food rich in vitamins; whereas in fact the article did not contain vitamin C, and it contained only an insignificant amount of vitamin B, and each of the capsules was not equivalent in vitamin content to 1 spoonful of cod-liver oil, one cake of yeast, one orange, and 2 pounds of whole wheat, and the vitamin content of each of the capsules was not equal to that of many pounds of food rich in vitamins.

The article was alleged to be misbranded in that the statements, "Commanders \* \* \* Containing All Six Essential Vitamins A-B-C-D-E-G In Concentrated Form", borne on the cartons, and the statement, "Commanders contain all six of the Vitamins A-B-C-D-E-G in concentrated form", borne on the bottle labels and the statements, "Commanders combine the six vitamins, A-B-C-D-E and G in harmonious proportions \* \* \* Each Commander is equivalent in vitamin content to one spoonful Cod Liver Oil, one cake of yeast, one orange, two pounds of whole wheat \* \* \* Many pounds of ordinary food, rich in vitamins, would be required to equal the vitamin content of one Commander", contained in a circular enclosed in the carton, were false and misleading.

On July 28, 1936, upon trial of the case before the court, jury having been waived, the court found the defendants guilty and imposed a fine of \$400.

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

**26735. Misbranding of Solution of Genuine Doyle Chlorinometer Gas, Universal Brand Pain Expeller, Universal Brand Liniment, Laxative Cold and Grippe Breakers, Dr. Hobb's Sparagus Kidney Pills, Prof. Hoff's Prescription, Eilert's Daylight Family Liver Pills, Kalamazoo Celery Nervine Blood and Liver Pills or Dunkley's "Celerytone" Pills, Dr. Hobb's Nerve Tonic Pills, Knill's Black Diarrhea "Blackberry Compound" Pills, Dr. John W. Bull's Celebrated Pills, Dexter Ointment, Schuh's Home Made Anti-Bilious Stomach and Liver Pills, and Colorado Cough and Catarrh Root. U. S. v. Chicago Drug Sales, Inc., and Max B. Decker. Pleas of guilty. Fine, \$25. (F. & D. no. 37023. Sample nos. 32617-B, 32619-B to 32622-B, incl.)**

The package or label of each of the above-named articles bore or contained false or fraudulent representations regarding its curative or therapeutic effects.

On June 23, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chicago Drug Sales, Inc., a corporation, Chicago, Ill., charging shipment by said corporation in violation of the Food and Drugs Act on or about August 9, 1935, from the State of Illinois into the State of Missouri of a quantity of Solution of Genuine Doyle Chlorinometer Gas, Universal Brand Pain Expeller, Universal Brand Liniment, Laxative Cold and Grippe Breakers, Dr. Hobb's Sparagus Kidney Pills, Prof. Hoff's Prescription, Eilert's Daylight Family Liver Pills, Kalamazoo Celery Nervine Blood and Liver Pills or Dunkley's "Celerytone" Pills, Dr. Hobb's Nerve Tonic Pills, Knill's Black Diarrhea "Blackberry Compound" Pills, Dr. John W. Bull's Celebrated Pills, Dexter Liniment, Schuh's Home Made Anti-Bilious Stomach and Liver Pills, and Colorado Cough and Catarrh Root each of which articles was misbranded.

Analysis of the Solution of Genuine Doyle Chlorinometer Gas showed that it consisted of chlorine dissolved in carbon tetrachloride. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the box labels, falsely and fraudulently represented that it would be effective as a treatment for whooping cough, influenza, laryngitis, and other respiratory diseases.