United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26476–26525

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 26, 1937]

26476. Misbranding of Katro-Lek. U. S. v. 130 Bottles of Katro-Lek. Consent decree of condemnation and destruction. (F. & D. no. 32598. Sample nos. 67860–A, 67861–A.)

This case involved an interstate shipment of Katro-Lek the package of which and an accompanying circular bore and contained false and fraudulent representations regarding the curative or therapeutic effects of the article.

On April 26, 1934, 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 a libel praying seizure and condemnation of 130 bottles of Katro-Lek at New York, N. Y, alleging that the article had been shipped in interstate commerce on or about April 3, 1933, from Boston, Mass., by the W. Wojtasinski Drug Co., 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 small proportions of iron and ammonium compounds, extracts of plant drugs including a laxative drug, beef extract, sugar, and water.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the package and contained in an accompanying circular, falsely and fraudulently represented that the article would be effective as a remedy for stomach troubles and ailments; would be beneficial in the treatment of gastritis, dyspepsia, and indigestion; would give relief in dyspepsia and indigestion caused by excess stomach acids; would increase the red corpuscles of the blood; would cure and would restore to health in cases of stomach trouble and general run-down conditions; would restore health and strength impaired or lost as the effect of surgical operations; would regulate the digestive organs and give tone to the body; and would relieve and would restore health in chronic cases of stomach troubles and ailments, headaches, nervousness, and run-down conditions.

On June 8, 1936, the claimant having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson,
Acting Secretary of Agriculture.

26477. Misbranding of Old Indian Herb Laxative. U. S. v. Pearson Remedy Co., a corporation. Plea of nolo contendere. Fine, $100. (F. & D. no. 33999. Sample no. 6270–B.)

This case involved an interstate shipment of Old Indian Herb Laxative the package of which bore and contained false and fraudulent representations regarding the curative or therapeutic effects of the article.

On June 25, 1935, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pearson Remedy Co., a corporation,

Burlington, N. C., charging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about August 9, 1934, from the State of North Carolina into the State of Florida, of a quantity of Old Indian Herb Laxative that was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including aloe, alcohol, and water.

The article was alleged to be misbranded in that statements, borne on the bottle labels and on the enclosing cartons and contained in an accompanying circular, falsely and fraudulently represented that the article was a tonic and blood purifier; was effective to benefit the sick, regardless of what their troubles might be; was effective as a preventive of sickness; was effective to regulate the bowels; was effective as a treatment, remedy, and cure for colic or acute indigestion, severe pains in the stomach, fretfulness and restlessness in babies, and to insure refreshing sleep to babies; and was effective as a treatment, remedy, and cure for eczema, indigestion, female trouble, bad coughs, sore chests, gallstones, stomach trouble, pellagra, and blood boils.

On May 18, 1936, a plea of nolo contendere was entered on behalf of the defendant corporation, and the court imposed a fine of $100.

M. L. WILSON,
Acting Secretary of Agriculture.

26478. Misbranding of Codi's Red Star. U. S. v. 216 Bottles of Codi's Red Star. Default decree of condemnation and destruction. (F. & D. nos. 35538, 35539. Sample nos. 35592-B, 35593-B.)

These cases involved interstate shipments of Codi's Red Star the label of which bore a false and misleading representation as to its antiseptic properties as a mouth wash, and a false and fraudulent representation regarding its curative or therapeutic effect with respect to pyorrhea.

On June 1, 1935, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 216 bottles of Codi's Red Star at Logan, W. Va., alleging that the article had been shipped in interstate commerce on or about August 31 and December 15, 1934, by the Codi Laboratories from Pittsburgh, Pa., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium hypochlorite (one lot contained not more than 2.91 percent, and the other, not more than 4.11 percent), sodium chloride, sodium hydroxide, sodium carbonate, and water.

The article was alleged to be misbranded in that the statement, "6 drops Red Star to half glass water provides an antiseptic mouth wash", borne on the label, was false and misleading since the article, when used as directed, would not provide an antiseptic mouth wash. The article was alleged to be misbranded further in that the statement regarding the curature or therapeutic effect of the article, "Tends to prevent and relieve pyorrhea", borne on the label, falsely and fraudulently represented that the article was effective in the treatment or the prevention of pyorrhea.

On May 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26479. Adulteration and misbranding of tincture of aconite. U. S. v. Mutual Pharmacal Co. Plea of guilty. Fine, $25. (F. & D. no. 35894. Sample no. 29617-B.)

This case involved an interstate shipment of an article, described as "Tincture Aconite", the potency of which was found to be less than 23 percent of the minimum requirement prescribed for tincture of aconite in the United States Pharmacopoeia.

On October 21, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mutual Pharmacal Co., a corporation, Syracuse, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about December 29, 1934, from the State of New York into the State of Pennsylvania of a quantity of an article labeled, "Tincture Aconite (U. S. P.)", that was adulterated.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopeia and differed from the