* * * Italina Bibita Piacevole e Rinfrescante * * * A pleasant and refreshing drink * * *", (circular) "Italina", and "Perfect Effervescent Salt", "Effervescent Salts", and "Italina Salts", representing that the article consisted wholly of effervescent salts and a lemon product, that it was "effervescente", an Italian beverage, that it was a pleasant and refreshing drink of rapid effervescence, that it was preferred by the old, that it was agreeable to babies, and that it was an Italian product, were false and misleading.

The article in the consignment of 39 cans at Carbondale, Pa., was alleged to be misbranded in that the statements and design, "Italina Effervescent Salts" (on the metal container and in a circular accompanying the package), "Perfect Effervescent Salt" (in a circular accompanying the package), and the design of a lemon (on the package and in a circular accompanying the package), representing that the article was a product of Italy, that it consisted wholly of effervescent salts and a lemon product, were false and misleading. Said article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the name of another article, namely, "Effervescent Salts."

The article was alleged to be misbranded in that the following statements, borne and contained on and within the packages, falsely and fraudulently represented the curative or therapeutic effects of the article: (Portions of cans and packages) "For stomach troubles, acidity, nausea, indigestion * * * Recommended especially in cases of over eating or drinking"; (portions of cartons) "For stomach discomforts, acidity, nausea, indigestion when due to temporary constipation or indiscretion in diet"; (in Italian on portions of cans, cartons, and wrappers) "Excellent for disturbances of the stomach, acidity, nausea, * * * indigestion * * * Digestive"; (on portions of cartons) "Very good against stomach troubles, nausea, indigestion * * * Recommended especially in cases of overeating and drinking"; (on portions of wrappers) "Very good against stomach troubles"; (on a circular accompanying certain lots) "The perfect Effervescent salt that gives quick relief from stomach disorders * * * Faulty digestion is manifested in a multitude of ailments such as: * * * indigestion, unclean pimply complexion, nausea, general rundown condition, * * * gas, acidity, dull sleepy feeling, etc.:—in such cases and in cases of excessive eating or drinking, the use of Italina will prove most beneficial. If you suffer from any of these ailments, * * * Doctors say that indigestion, * * * and other stomach troubles prove the most relentless foes the complexion can have. It should therefore be the aim of all who value their personal appearance, to prevent these ills * * * It counteracts stomach disorders and cleans and purifies the bowels. Italina can make you look and feel your very best by keeping you free of poisonous wastes that pollute the blood stream; and often that is the only draw-back to better health * * * Its * * * acid neutralizing quality and instant relief of stomach distresses * * * This seal is the symbol of good health"; (in a second circular accompanying a certain lot) "Indigestion * * * Nausea, * * * Frequent Headaches, Acidity, Gas, Upset Stomach and Bad Complexion."

On June 16, 1936, 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.

26504. Adulteration and misbranding of Owl Elixir Iron, Quinine, and Strychnine. U. S. v. United Drug Co. Plea of guilty. Fine, $75. (F. & D. no. 33836. Sample no. 45188–A.)

This case involved an interstate shipment of Owl Elixir Iron, Quinine and Strychnine that differed from the standard of strength, quality, and purity as determined by the test laid down in the National Formulary for elixir of iron, quinine, and strychnine, and the label of the article bore false and fraudulent representations regarding the curative or therapeutic effects of the article.

On February 19, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the United Drug Co., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act, on or about January 5, 1934, from the State of California into the State of Oregon, of a quantity of Owl Elixir Iron, Quinine and Strychnine that was adulterated and misbranded. The article was labeled in part:

(Bottles) "The Owl Elixir Iron, Quinine and Strychnine * * * Manufactured for The Owl Drug Co. * * * San Francisco" Analysis of a sample of the article showed that it was a liquid flavored with orange and containing quinine sulphate (4.45 grams per liter).

The article was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, since said article contained quinine sulphate; whereas said formulary does not provide that elixir of iron, quinine, and strychnine shall contain any quinine sulphate, and the standard of strength, quality, and purity of said article was not declared on the container thereof.

Said article was alleged to be misbranded in that the statement, "Elixir Iron Quinine and Strychnine", borne on the shipping case and upon the bottle label, was false and misleading, since the article was not elixir of iron, quinine, and strychnine since it contained quinine sulphate, which is not an ingredient of elixir of iron, quinine, and strychnine. The article was alleged to be misbranded further in that statements aforesaid regarding the curative or therapeutic effects of the article, appearing on the label on the bottle, falsely and fraudulently represented that it was effective as a treatment for the relief of mental and physical exhaustion, wasting diseases, malaria, loss of appetite, convalescence from exhausting diseases, wasting debility, general run-down conditions, and sleeplessness.

On June 18, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $75.

M. L. WILSON,
Acting Secretary of Agriculture.

26505. Misbranding of J. H. Mims Iron Tonic. U. S. v. 72 Bottles of J. H. Mims Iron Tonic. Default decree of condemnation and destruction. (F. & D. no. 35422. Sample no. 6024–B.)

This case involved an interstate shipment of J. H. Mim's Iron Tonic the label of which bore false and misleading representations regarding its curative or therapeutic effects.

On April 25, 1935, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bottles of J. H. Mims Iron Tonic at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about April 12, 1935, by the Mims Medicine Co., from Jacksonville, Fla., and that it was misbranded in violation of the Food and Drugs Act.

Analysis of the article showed that it consisted essentially of iron salts dissolved in water.

The article was alleged to be misbranded in that the statement on the label, "The Great Irish Remedy purifies the blood, useful in the treatment of indigestion, pellagra, dropsy, eczema and rheumatism, gives good rest at night * * * quiets the nerves", was false and misleading and deceived and misled the purchaser.

On June 19, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26506. Misbranding of Standard Heave Powder, Standard Necro Tabs, Standard Fumoil, Standard Roup Remedy, Standard Curalone, and Standard Sulpho-Carb Antiseptic Tablets. U. S. v. Standard Chemical Manufacturing Co. and John W. Gamble. Pleas of guilty. Fines, $80 and costs. (F. & D. no. 35973. Sample nos. 41472–A, 3618–B, 3620–B, 23065–B, 23068–B, 23069–B, 23070–B, 23328–B.)

This case was based on shipments of various drug preparations the labeling of which bore false and fraudulent curative and therapeutic claims.

On 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 the Standard Chemical Manufacturing Co., a corporation, and John W. Gamble, of Omaha, Nebr., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, between the dates of February 10, 1934, and April 23, 1935, from the State of Nebraska into the States of Minnesota, South Dakota, and Iowa of various drug products that were misbranded.