

representation of a baby on said circular entitled "Kopp's Remedies For Babies and Children", falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effect claimed.

On May 25, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26520. Misbranding of Kopp's. U. S. v. 99 Bottles and 113 Bottles of Kopp's. Default decrees of condemnation and destruction. (F. & D. nos. 87541, 87546. Sample nos. 55261-B, 55263-B.)

These cases involved interstate shipments of Kopp's. The article was represented on the label and in an accompanying circular as a safe and appropriate remedy for infants and young children, whereas infants and young children are susceptible to poisoning from morphine, which was contained in the article, and the label and the circular bore and contained false and fraudulent representations regarding the curative or therapeutic effect of the article.

The United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court on April 9, 1936, a libel praying seizure and condemnation of 99 bottles, and on April 14, 1936, a libel praying seizure and condemnation of 113 bottles of an article labeled "Kopp's" at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about December 12, 1935, and January 27, 1936, by C. Robert Kopp, Inc., from Hellam, Pa., 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 morphine sulphate (approximately one-eighth of a grain per fluid ounce), anise oil, alcohol, sugar, and water.

The article was alleged to be misbranded in that the following directions, borne on the label and contained in an accompanying circular entitled "Kopp's Remedies for Babies and Children", together with a representation (in the circular) of a baby, "Directions—Dose for a child 1 week old, 4 drops; 2 weeks, 6 drops; 1 month, 10 to 12 drops; 2 months, 15 to 18 drops; 3 to 4 months, $\frac{1}{2}$ teaspoonful; 4 to 6 months, $\frac{1}{2}$ teaspoonful; 6 to 9 months, $\frac{3}{8}$ teaspoonful; 12 months and over, 1 teaspoonful. Repeat in 3 or 4 hours if necessary", and (in German and other foreign languages) "Directions—Dose for a child 1 week old, 6 drops; 2 weeks old, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months, $\frac{1}{2}$ teaspoonful; 4 to 6 months, $\frac{3}{8}$ teaspoonful; 6 to 9 months, 1 teaspoonful; twelve or more months, $1\frac{1}{2}$ teaspoonful. Repeat the dose every 3 to 4 hours if necessary", were false and misleading in that they represented that the article was a safe and appropriate remedy for infants and young children, when in fact it was not, since infants and young children are susceptible to poisoning from morphine, an ingredient of said article. The article was alleged to be misbranded further in that the aforesaid directions borne on the label and contained in the accompanying circular, together with the representation (in the circular) of a baby, falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effect claimed.

On June 24 and 25, 1936, no claimant having appeared, judgments of condemnation were entered, and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26521. Misbranding of Tricasco. U. S. v. 270 Bottles of Tricasco. Default decree of condemnation and destruction. (F. & D. no. 87548. Sample no. 55864-B.)

This case involved an interstate shipment of an article described as Tricasco the package of which and an accompanying circular bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On April 6, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 bottles of an article labeled Tricasco at Pontiac, Mich., alleging that the article had been shipped in interstate commerce on or about March 16, 1936, by the Tricasco Laboratories from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of water, sugar, and extracts of plant drugs including licorice and a laxative plant drug.

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 it would be effective for the treatment of a run-down condition and various other ailments detrimental to health; that it would be effective in cleansing the system and as a tonic; that it was capable of restoring resistance to disease; that it would be effective in eliminating impurities and acids from the body; that it was capable of restoring and causing health; that it would be effective as a remedy or cure for sick headache, loss of sleep, dizziness, weak eyes, gallstones, gravel, gall-bladder infections, liver complaints, biliousness, faulty nutrition, bile disorders, stomach trouble, indigestion, catarrh of the stomach, ulcers of the stomach, loss of appetite, sour stomach, acid stomach, gas in stomach, offensive breath, eruptions on the skin, boils and pimples, coughs, grip, consumption, pneumonia, heartburn, nervousness, palpitation of the heart, muscular aches and pains, rheumatism, neuritis, arthritis, intestinal trouble, gas pains, sciatica, gout, lumbago, uric acid in the blood, kidney disorders, pains in the back, bladder trouble, painful urination, frequent urination, asthma, skin diseases, impure blood, piles, tired feeling, loss of energy, and general run-down system; that it would be effective in cleansing the stomach, liver, kidneys, bladder, and bowels of impurities and would enrich and build up the blood and invigorate and renovate the whole system; and that it would eliminate poisonous acids and impurities from the body.

On June 16, 1936, 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.

26522. Misbranding of Diaplex. U. S. v. 22 Packages of Diaplex. Default decree of condemnation and destruction. (F. & D. no. 37549. Sample no. 49139-B.)

This case involved an interstate shipment of Diaplex the package of which bore false and fraudulent representations regarding the curative or therapeutic effect of the article with respect to diabetes.

On April 6, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Diaplex at Salina, Kans., alleging that the article had been transported in interstate commerce on or about March 14, 1936, by Roy Randall, from Denver, Colo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of coarsely ground leaves and stems and some root fragments of saltbush (*Atriplex*).

The article was alleged to be misbranded in that the following statements regarding the curative or therapeutic effect of the article, appearing upon the package, falsely and fraudulently represented that it would have the effect claimed in said statements: "Diaplex * * * Diaplex for Diabetics Directions. Use two to three heaping tablespoons full of Diaplex to each pint of water, then bring to a boil or percolate in a porcelain or earthen coffee percolator for ten minutes * * * Always serve Diaplex fresh and hot (never luke warm or cold). A diabetic should drink at least two quarts of Diaplex daily, for from three to nine months. Also watch the urine test daily and you will be amazed at the results. Diaplex contains no opiates and is non-injurious. Persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, and eventually eliminate the insulin entirely. But continue the use of Diaplex until you are well and strong. Persons who have never used insulin, and not in coma, will find it unnecessary to do so. All that will be required is to adhere to a good diabetic diet and drink two quarts daily of Diaplex for a few months, and like thousands of others he too, will rejoice in the grand activity of good health and vigor."

On July 8, 1936, 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.