

25383. Misbranding of Kuhn's Ep-Sum Pill. U. S. v. Harry Dale Kuhn, trading as the H. Dale Kuhn Laboratory. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 33846. Sample no. 67906-A.)

Unwarranted therapeutic and curative claims were made for this article, and its label bore erroneous statements concerning its composition.

On December 18, 1934, 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 Harry Dale Kuhn, trading as the H. Dale Kuhn Laboratory, Shelby, Ohio, alleging shipment by him in violation of the Food and Drugs Act as amended, on or about March 21, 1934, from Shelby, Ohio, to Syracuse, N. Y., of quantities of Kuhn's Ep-Sum Pill which was misbranded. The article was labeled in part: (Box) "Keep Fit Kuhn's Ep-Sum Pill * * * The Pill That Will Miss Perfect Form Mr. Feel Bully * * * H. Dale Kuhn Lab. Shelby, Ohio."

Analysis showed that the article consisted of white lime-carbonate-coated pills containing essentially phenolphthalein, Epsom salt, and aloin.

Misbranding of the article was charged (a) under the allegation that the label on the box and a circular enclosed in the box bore and contained statements concerning the therapeutic or curative efficacy of the article, and that the said statements were false and fraudulent, to wit, that the article was effective, among other things, to keep one fit, to keep the bowels free, and to aid in controlling weight; (b) under the allegation that there was borne on the box label, the statements, to wit, "Ep-Sum Pill" and "Epsom Salts Compound Pills", and that there were contained in a circular enclosed in the package the statements, to wit, "formerly called Kuhn's Epsom Salts Compound Pill. Our laboratory was the first to concentrate Epsom Salts and combine it with other ingredients", and that said statements were false and misleading, in that the article contained very little, if any, Epsom salts, and was composed chiefly of aloin and phenolphthalein.

On March 21, 1936, a plea of nolo contendere having been entered, a fine of \$50 was imposed and costs were awarded against the defendant.

M. L. WILSON, *Acting Secretary of Agriculture.*

25384. Adulteration of Ideal Tincture Iodine, and adulteration and misbranding of Ideal Unguentum and Ideal Carbolic Salve. U. S. v. National Sales Chain Corporation. Plea of guilty. Fine, \$42. (F. & D. no. 33960. Sample nos. 67005-A, 67006-A, 67021-A.)

Two of these articles differed from the pharmacopoeial standard; one of them fell below its professed standard, unwarranted curative and therapeutic claims were made for one, and the labels of two bore incorrect statements.

On October 21, 1935, 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 an information against the National Sales Chain Corporation, New York, N. Y., alleging shipment by it, in violation of the Food and Drugs Act as amended, in the period from October 13, 1933, to January 12, 1934, from New York, N. Y., to Scranton, Pa., of quantities of Ideal Unguentum, Ideal Tincture Iodine, and Ideal Carbolic Salve, all of which products were adulterated and two of which were misbranded. The articles were labeled in part: (Ideal Unguentum and Ideal Tincture Iodine, jars) "Guaranteed by National Sales Chain Corp'n New York City"; (Ideal Carbolic Salve, tins) "Guaranteed by National Sales Chain Company New York."

The Ideal Unguentum was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity determined by the test laid down in that authority, and that it so differed in that it contained no yellow wax and no benzoated lard, and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

The Ideal Tincture Iodine was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity determined by the test laid down in that authority, and that it so differed in that it contained less potassium iodide and iodine per 100 cubic centimeters than required by such standard,