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 benzoinated 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,

and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

The Ideal Carbolic Salve was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, and so fell below in that said article was represented to be antiseptic and was not antiseptic.

The Ideal Unguentum was alleged to be misbranded (a) in that the statements on its label, to wit, "Unguentum", "Antiseptic", and "Contains * * * Ammonium Sulphoichthyolate", represented that it was unguentum as defined in the United States Pharmacopoeia, that it was antiseptic, and that it contained ammonium sulphoichthyolate, and that the aforesaid statements were false and misleading in that the article was not unguentum as so defined, was not antiseptic, and did not contain ammonium sulphoichthyolate; and (b) in that there appeared on the label of the jars of the article statements that it was effective, among other things, as a treatment, remedy, and cure for boils, pimples, piles, eczema, and ulcers; and effective as a healing agent; and that the aforesaid statements were false and fraudulent.

The Ideal Carbolic Salve was alleged to be misbranded in that the statements borne on its labels, to wit, "Antiseptic" and "directions", represented that said article was antiseptic when used as directed, and that the aforesaid statements were false and misleading.

On December 12, 1935, a plea of guilty was entered and a fine of $42 was imposed.

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

25385. Misbranding of Tipona Tablets. U. S. v. Hi-Test Laboratories. Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 33968. Sample no. 4256-B.)

Unwarranted curative and therapeutic claims were made for this article and its label misrepresented its ingredients and falsely represented that the article could be administered safely.

On July 24, 1935, 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 the Hi-Test Laboratories, a corporation, Cleveland, Ohio, alleging shipment by it under the name of Maison Laboratories, in violation of the Food and Drugs Act as amended, on or about July 3, 1934, from Cleveland, Ohio, to St. Louis, Mo., of certain quantities of Tipona Tablets which were misbranded. The article was labeled in part: (Carton and envelope) "Tipona Tablets A proven Way of Attaining Slenderness Easily, Surely and Safely * * * The Tipona Company Cleveland, O."

Analysis showed that the article consisted essentially of phenolphthalein, (1 grain per tablet) caffeine, and desiccated thyroid (approximately one-fourth of a grain per tablet).

The article was alleged to be misbranded (a) in that a circular enclosed in the carton contained false and fraudulent statements that the article was effective, among other things, as a preventive of fat; effective to produce muscle, bone, and sound flesh; effective to correct the lack of functioning of certain important glands; effective to eliminate fat and to give new life, energy, vigor, freshness, and pep, and to resist sickness and disease germs; effective to reduce and eliminate weighty, dragging, superfluous flesh, and to promote freer heart action and a cleaner and more thorough digestive action; and effective to insure normal weight; and (b) in that the statements, to wit, "No drugs of Any Kind", borne on the circulars aforesaid, and "Safely", borne on the cartons and on the envelopes containing the article, were false and misleading, in that the article contained phenolphthalein and caffeine and in that these ingredients could not be administered safely.

On March 27, 1936, a plea of nolo contendere having been entered, a fine of $50 was imposed and costs were awarded against the defendants.

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

25386. Misbranding of Poloris Dental Poultice. U. S. v. 555 Boxes of Poloris Dental Poultice. Default decree of condemnation, forfeiture, and destruction. (F. &. D. no. 35136. Sample no. 26051-B.)

Unwarranted therapeutic or curative claims were made for this article.

On February 14, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Poloris Dental Poultice at Springfield, Mass., alleging that the article had