

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William J. Fink, trading as the Holford Co., Minneapolis, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 15, 1934, from the State of Minnesota into the State of Colorado of a quantity of Holford's Inhaler which was misbranded.

The article was labeled in part: (Bottle) "Holford's Inhaler * * * The Holford Company * * * Minneapolis, Minnesota."

Analysis showed that the article consisted chiefly of plant material, including lavender flowers, mustard seeds, and mustard oil.

The article was alleged to be misbranded in that certain statements, appearing on the bottle label and in a circular shipped with the article, falsely and fraudulently represented that it was effective in the treatment of catarrh, hay fever, asthma, sinus trouble, aches, and pains; effective as a relief from practically every known trouble which affects the head and throat; effective as a treatment for running nose, stuffed-up nasal passage, headaches caused by eyestrain, nervousness, stomach troubles, or similar cause; effective for neuralgic headache, severe headaches caused by inhaling the vapors of gases such as caused by working in a closed garage or over a leaking gas stove, or working around a strong paint; effective for cold in the lungs, sore throat, or constant coughing; and effective in the treatment of tonsillitis, toothache, and neuralgia in the jaws or temples, fainting spells, sluggishness, and lazy feeling in the morning, and effective to arrest pain.

On September 30, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. R. GREGG, *Acting Secretary of Agriculture.*

25135. Misbranding of Ben Arid's Desert Remedy. U. S. v. Mountain & Desert Products Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 35971. Sample no. 15450-B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On November 6, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mountain & Desert Products Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended on or about March 23, 1935, from the State of Colorado into the State of California, of a quantity of Ben Arid's Desert Remedy which was misbranded.

The article was labeled in part: "Ben Arid's Desert Remedy * * * Mountain & Desert Products Company."

Analysis showed that the article consisted of a dry and cut plant of a species of *Ephedra*.

The article was alleged to be misbranded in that certain statements, designs, and devices appearing in the labeling, regarding its curative or therapeutic effects, falsely and fraudulently represented that it was effective in restoring good health; was most effective for suffering humanity and well worth seriously considering if you are ailing, for producing vim and vigor, as a normalizer because of its action on the digestive organs; was effective in renewing and purifying the blood stream; in clearing the complexion; in helping to build up the entire system; was effective as a treatment, remedy, and cure for indigestion, insomnia, neuritis, low vitality, kidney and bladder troubles, eczema, asthma, high blood pressure, nervousness, rheumatism, underweight or overweight, acidosis, dormant liver, gout; was effective by possessing tremendous curative powers; as a great cure-all; and as a restorative and preservative of health; as possessing healing qualities; and as promoting sound, refreshing sleep; was effective as a treatment, remedy, and cure for neuritis, arthritis, and insomnia; was effective in cases of stomach trouble or acidity; was effective in eliminating the uric acid from the blood; and that as a beverage it was healthful, and was effective in restoring health.

On November 21, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*