

The Meth-O-Sol was alleged to be misbranded in that the jar and carton labels and a circular enclosed in the carton bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment for congestion or inflammation of the lungs, pneumonia, croup, neuritis, rheumatism, pleurisy, lumbago, backache, sciatica, incipient pneumonia, hoarseness, and sore throat; and effective in the alleviation of tonsillitis and enlarged glands, and as a relief from pain and stiffness of the muscles and joints.

The Cholax Brand Pulvis Effervescens Sodii Phosphatis Comp. (Kelvan) was alleged to be misbranded in that the bottle and carton labels and a circular enclosed in the carton bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment for rheumatism, gout, jaundice, uric acid conditions, dizziness, biliousness, nausea, affections of the stomach, liver, and kidneys; effective to stimulate the intestinal secretions necessary to a healthy digestion and to regulate the liver, kidneys, and bowels; effective as a stomach and liver salt; effective as an antilithic and antirheumatic; effective as a therapeutic value wherever a uric acid solvent, hepatic, stimulant, toxæmic, eliminant, or gastric sedative is required; and effective as an alterative.

On January 21, 1936, pleas of nolo contendere were entered. On February 21, 1936, a fine of \$25 was imposed upon George T. Lambert and sentence was suspended as to G. Duke Lambert and Mary W. Lambert.

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

**25095. Misbranding of Prescription No. 69. U. S. v. Home Drug Co., a corporation. Plea of nolo contendere. Fine, \$50. (F. & D. no. 34022. Sample no. 41455-A.)**

Unwarranted curative and therapeutic claims were made for this article.

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 the Home Drug Co., a corporation, Minneapolis, Minn., alleging shipment in violation of the Food and Drugs Act, on or about May 1, 1934, from the State of Minnesota into the State of Iowa of a quantity of Prescription No. 69 that was misbranded. The article consisted of a liquid contained in a bottle and tablets contained in a box, and was labeled in part: (Bottle) "Home Drug Co., Minneapolis, Prescription No. 69 Alcohol .02% \* \* \* Regular Price \$2.00 per Bottle"; (box) "Laxative Triangles \* \* \* 25¢ per Package."

Analysis showed that the article consisted essentially of glycerin, together with a small amount of aromatics and plant extractives.

Misbranding of the article was charged under the allegations that the labels of the bottle and box bore, and that a circular in the package contained, statements regarding the curative and therapeutic effects of the article; and that the statements falsely and fraudulently represented that the article was effective, among other things, as a treatment, remedy, and cure for liver and gall bladder trouble, gall colic, liver and gall disorders and stomach trouble; was effective as a treatment for soreness and pain due to liver and bladder troubles; and was effective when used in connection with Laxative Triangles as a treatment for constipation due to liver trouble and gallstone disorders.

On September 30, 1935, a plea of nolo contendere having been entered, a fine of \$50 was imposed.

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

**25096. Adulteration and misbranding of spirits of turpentine. U. S. v. Elk Manufacturing Co. Plea of guilty. Fine, \$100. (F. & D. no. 34030. Sample no. 27843-B.)**

This case involved an interstate shipment of spirits of turpentine which fell below the standard established by the United States Pharmacopoeia.

On July 8, 1935, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elk Manufacturing Co., a corporation, Jellico, Tenn., alleging shipment by said company in violation of the Food and Drugs Act on or about September 5, 1934, from the State of Tennessee into the State of Arkansas, of a quantity of spirits of turpentine which was adulterated and misbranded. The article was labeled in part: "Elk Brand \* \* \* Spirits Turpentine Elk Manufacturing Company \* \* \* Jellico, Tenn."

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that spirits of turpentine is a name recognized in the pharmacopoeia for oil of turpentine and specifies that it is "The volatile oil distilled from the oleoresin obtained from *Pinus palustris* Miller and other species of *Pinus* (Fam. Pinaceae) which yield exclusively terpene oils", whereas it had not been distilled as so prescribed, i. e., from living standing pine trees, but was steam-distilled wood turpentine obtained in whole or in part by the steam distillation of dead pine wood.

Misbranding was alleged for the reason that the statement "Spirits Turpentine", borne on the bottle label, was false and misleading in that the said statement represented that the article was spirits of turpentine, i. e., oil of turpentine, and that it conformed to the standard prescribed in the United States Pharmacopoeia; whereas it was not spirits of turpentine, i. e., oil of turpentine and did not conform to the standard prescribed by the United States Pharmacopoeia, but was steam-distilled wood turpentine obtained in whole or in part by the steam distillation of dead pine wood.

The information also charged a violation of the Naval Stores Act reported in notice of judgment no. 11, published under that act.

On December 2, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100 for violation of both acts.

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

**25097. Misbranding of Tussamag. U. S. v. Robert M. Froehlich (Right-O Products Co.).** Plea of guilty. Fine, \$25. (F. & D. no. 34036. Sample no. 21516-B.)

This case was based on an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On July 24, 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 Robert M. Froehlich, trading as the Right-O Products Co., New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 4, 1934, from the State of New York into the State of New Jersey of a quantity of Tussamag which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including thyme, a saponin, glycerin, sugar, alcohol, and water.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing on the bottle labels and cartons and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pharyngitis, laryngitis, all kinds of bronchitis, bronchial asthma (dyspnoea), pertussis, pulmonary tuberculosis, whooping cough and diseases of the respiratory tract, pulmonary diseases, acute, subacute, and chronic bronchitis, bronchopneumonia, subsequent bronchitis after tuberculosis and bronchoectasias, and effective to increase the metabolism by amplifying the resorption.

On July 30, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

**25098. Misbranding of (1) Stearns' Astringosol; (2) Dr. J. D. Kellogg's Asthma Remedy; (3) Frese's Hamburg Tea; (4) Garfield Tea or Stillman's Liver and Kidney Remedy; (5) Grantillas; (6) Dr. J. H. McLean's Universal Liver Pills; (7) Chamberlain's Salve; (8) Dr. Hobson's Whooping Cough Syrup; (9) Hobo Kidney and Bladder Remedy; (10) Ki-La-Ga; (11) Lee's Creo-Lyptus; (12) Requa's Charcoal Tablets; (13) Vinco Herb Tablets. U. S. v. John Laurens O'Bannon (Progress Wholesale Drug Co.)** Plea of guilty. Fine, \$400. (F. & D. no. 34039. Sample nos. 52861-A, 52862-A, 52863-A, 63084-A, 63401-A to 63407-A, incl., 4047-B, 4048-B.)

This case was based on interstate shipments of various proprietary medicines all of which were labeled with unwarranted curative and therapeutic claims. The labeling of the Garfield Tea, Dr. Hobson's Whooping Cough Syrup, and the Creo-Lyptus were further objectionable, the first named because it was represented to conform to the requirements of the Federal Food and Drugs Act, and did not so conform, and the last two named because the declaration of the chloroform content was not correct.