

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.

On August 14, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Laurens O'Bannon, trading as the Progress Wholesale Drug Co., Dallas, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about April 4, 1934, from the State of Texas into the States of Arizona and Louisiana, on or about April 7, 1934, from the State of Texas into the State of California, and on or about May 23, 1934, from the State of Texas into the State of Arizona, of quantities of proprietary medicines which were misbranded. The articles were labeled in part: (Bottle) "Stearns' Astringosol * * * Frederick Stearns & Co., Detroit, U. S. A."; (box) "Dr. J. D. Kellogg's Asthma Remedy * * * Northrop & Lyman & Co., Inc., Buffalo, N. Y. Toronto, Canada"; (package) "Coffin Redington Co., Manufacturers, San Francisco, Frese's Trade Mark Hamburg Tea"; (package) "Garfield Tea or The Stillman Liver & Kidney Remedy * * * Garfield Tea Co., Brooklyn, N. Y."; (wrapper) "Grantillas Marca Dr. Fabrica (Formula by Dr. Robert Milton Grant) * * * Dr. Grant's Laboratories, Norwalk, Conn., U. S. A."; (carton) "Dr. J. H. McLean's Universal Pills Manufactured For The Dr. J. H. McLean Med. Co., St. Louis, Mo."; (jar) "Chamberlain's Salve * * * Prepared Only By Chamberlain Medicine Co., Des Moines, Iowa"; (carton and bottle) "Dr. Hobson's Whooping Cough Syrup * * * No. 42 Pfeiffer Chemical Company Offices New York, St. Louis"; (carton and bottle) "Hobo * * * Kidney and Bladder Remedy * * * Manufactured by Hobo Medicine Co. Sole Owners Beaumont, Texas"; (bottle) "Ki-La-Ga * * * Bottled and Distributed Only By The Ki-La-Ga Company Lincoln, California, Main Office Sacramento, California"; (bottle) "Lee's Creo-Lyptus * * * Creo Lyptus Co., New York, Kansas City, Mo."; (can) "Requa's Charcoal Trade Mark Tablets * * * Pure Refined Charcoal Requa M'f'g Co., Inc., New York"; (box) "Vinco Herb Tablets * * * Vinco Herb Company, Dayton, Ohio."

Samples analyzed by this Department showed the following facts: Stearns' Astringosol consisted essentially of small proportions of zinc chloride and a resinous material such as myrrh, alcohol (70 percent by volume), and water flavored with methyl salicylate; Dr. J. D. Kellogg's Asthma Remedy was composed of powdered plant material, including stramonium; Frese's Hamburg Tea consisted essentially of ground plant material including senna, lavender, and coriander; Garfield Tea or Stillman's Liver and Kidney Remedy was composed of ground plant material including senna; Grantillas consisted of tablets and sugar-coated pills, the tablets containing extracts of plant drugs including laxative drugs, the pills containing extracts of plant drugs including an alkaloid-bearing drug; Dr. J. H. McLean's Universal Liver Pills contained extracts of plant drugs including a laxative drug; Chamberlain Salve consisted essentially of ammoniated mercury incorporated in a petrolatum and paraffin base; Dr. Hobson's Whooping Cough Syrup consisted essentially of ammonium chloride, chloroform (1.02 minims per fluid ounce), a compound of antimony, pine tar, sugar, and water; Hobo Kidney and Bladder Remedy consisted essentially of extracts of plant drugs, small proportions of salicylic acid and benzoic acid, glycerin, sugar, and water; Ki-La-Ga consisted essentially of inorganic minerals in solution and partially in suspension including compounds of iron, aluminum, magnesium, zinc, copper, calcium, and sulphates and chlorides; Lee's Creo-Lyptus consisted essentially of ammonium chloride, creosote, extracts of plant drugs including eucalyptus and pine, alcohol (1.3 percent by volume), chloroform (0.03 minim per fluid ounce), sugar, and water; Requa's Charcoal Tablets were composed essentially of charcoal; Vinco Herb Tablets contained extracts of plant drugs including hydrastis and a laxative drug coated with sugar, calcium carbonate, and iron oxide.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects appearing in the labeling of the various products, falsely and fraudulently represented that Stearns' Astringosol was effective as a prophylactic; and as a treatment, remedy, and cure for pyorrhoea, trench-mouth disease, inflamed, soft, spongy, bleeding, and receding gums; effective as a spray or gargle for tonsillitis and ordinary sore throat; effective to purify the mouth and breath, and to aid in protecting the health of the mouth, teeth, and gums; effective as a cure for severe pyorrhoea, and as a preventive thereof; effective as a preventive of toothache, neuralgia, sore, inflamed and ulcerated gums, gum boils, tooth abscesses, canker sores, inflamed and ulcerated conditions of the mouth, loosened teeth, inflamed and swollen salivary glands, sore throat, tonsillitis, quinsy, dyspepsia,

certain intestinal troubles, headache, malnutrition, anemia, pneumonia, and tuberculosis, due to defective mouth conditions; and effective to preserve the gums and save the teeth, to keep the mouth clean and healthy, to eradicate pyorrhea or Riggs' disease, and to harden and assist nature in restoring to a normal condition sore, spongy, and bleeding gums; that Dr. J. D. Kellogg's Asthma Remedy was effective as a remedy for asthma in all its forms, hay fever, bronchitis, and catarrh; that the Frese's Hamburg Tea was effective as a treatment, remedy, and cure for disorders of the digestive system; effective to regulate the bowels; effective as a treatment, remedy, and cure for indigestion, dyspepsia and blood and skin ailments, caused by constipation; effective as a treatment of eruptions of the skin and other similar ailments resulting from clogged bowels; effective to restore the appetite and reestablish digestion; and effective to prevent serious ailments following unnatural conditions; that the Garfield Tea was effective as a treatment for the complexion; effective to clear the complexion and bring that matchless hue which health alone paints; effective as a treatment, remedy, and cure for painful and suppressed menstruation and other female weaknesses; effective as a treatment, remedy, and cure for fretfulness, teething, stomach and bowel trouble in babies; effective to relieve and cure piles, and as a remedy for liver and kidney troubles and ailments of the stomach and bowels, to purify the blood, to prevent rheumatism, consumption, dropsy, scrofula, and blood diseases, and to cleanse the system; effective to aid in maintaining a healthy action of the liver, kidneys, and bowels; effective to have a direct and specific action upon the liver, to open the sewerage of the system, and to remove the principal cause of blood poisoning; effective as a treatment, remedy, and cure for dyspepsia, piles and chronic diseases, headache, rheumatism, dropsy, tumors, cancer, blood diseases, kidney disease, catarrh of the bowels, indigestion and all cases of female trouble and chronic constipation; and effective to help nature to throw off excess poisons of the blood that bring on troubles of the heart, kidneys, stomach, and bowels, rheumatism, and scores of other diseases; that the Grantillas were effective as a uterine tonic; effective as a treatment of the weaknesses of female generative organs, and ills peculiar to women; effective as a nervine and tonic, and as useful in the nervous diseases of pregnancy; effective to prevent miscarriage; and effective as a remedy for dysmenorrhoea, after pains, ovarian irritation, menorrhagia, hysteria, amenorrhoea, and uterine subinvolution; effective as a treatment for uterine pains; effective as a uterine stimulant; and effective to mitigate the pains of childbirth, and as a treatment for uterine inertia; and effective to overcome habitual costiveness; that Dr. J. H. McLean's Universal Liver Pills were effective, as a treatment, remedy, and cure for liver complaints and biliousness; effective as a relief for lumbago, bowel complaint, nausea, swimming in the head, yellowness of the skin, low spirits, and bilious fever when due to sluggish bowel movements; and effective as prompt to act on the liver and stomach; that the Chamberlain Salve was effective as a treatment, remedy, and cure for diseases of the skin, sore nipples, sore lips, piles, eczema, tetter, herpes, barbers itch, salt rheum, and chronic inflamed eyelids; that Dr. Hobson's Whooping Cough Syrup was effective, as a relief, treatment, remedy, and cure for whooping cough; that the Hobo Kidney and Bladder Remedy was effective as a treatment and remedy for kidney and bladder troubles; that the Ki-La-Ga was effective as a treatment, remedy, and cure for eczema, tetter, salt rheum, milk crust, hives, itch, barber's itch, poison-oak, poison-ivy, hop poison and all similar skin troubles, ringworm, boils, pimples, burns, infected sores, rashes, various skin eruptions, dandruff and all scalp diseases, catarrh, hay fever, sore throat, tonsillitis, bronchitis, ulcerated sore throat, asthmatic ailments, sore and tender feet, pain and soreness caused by corns and bunions, pyorrhea, piles, wounds, lacerations, cuts, all sores and skin diseases; effective as a soothing and healing application; effective to relieve toothache, erysipelas and other ills, hay fever, catarrh, dandruff, falling hair, sore, tender feet, bunions, piles, bleeding piles, and severe sore throat; effective as a healing power; and effective to promote hair growth; that Lee's Creo-Lyptus was effective as a remedy and cure for whooping cough and croup; and effective as a relief for inflamed tissues, persistent coughs, bronchial congestion, and whooping cough; that the Requa's Charcoal Tablets were effective as a treatment, remedy, and cure for stomach troubles, bad breath, heartburn, headache, acid stomach, constipation, biliousness, headache caused by any disorder of the stomach, dyspepsia, indigestion, gastritis and sour stomach; effective as a mild physic; effective to arrest fermentation and to cause complete digestion; effective to bring back

lost health; effective to relieve acidity of the stomach and flatulency, and to neutralize those gases that rise from imperfectly digested food; effective as a treatment, remedy, and cure for indigestion of the stomach and intestines resulting from rheumatism, constipation, pimples, kidney trouble, bilious and nervous disorders; and effective to stop excessive fermentation of food and to quickly relieve indigestion, dyspepsia, heartburn, sour stomach, and all distress after eating; that the Vinco Herb Tablets were effective as a remedy and cure for stomach, liver, kidneys, bowels and blood ailments; sour stomach, bilious headache, irritability, loss of energy, torpid or congested liver, temporary irregularity, tardiness or suppression of the menstrual discharge, biliousness, headache, weak nerves, female weakness, backache, lost vitality, rheumatism, kidney and urinary troubles, indigestion, constipation, eczema, scrofula, boils, and eruptions; effective as a stomach tonic and to improve the appetite; effective as a treatment for impure blood; effective to prevent fatal diseases and prolonged illness due to indigestion and constipation; effective to produce rich red blood; effective as a system cleanser and bowel regulator; and effective to stimulate the appetite, to aid digestion, and to give renewed strength and vigor by helping to restore the system to its normal healthy condition.

Misbranding of the Garfield Tea was alleged for the further reason that the statement, "Serial No. 384. Guaranteed by the Garfield Tea Co. under the Pure Food and Drugs Act, June 30, 1906. We guarantee that all preparations of our manufacture are not adulterated or misbranded within the meaning of The National Pure Food and Drugs Act, approved June 30th, 1906, and that they conform in every respect to the requirements of this Act", contained in the booklet shipped with the article, and the statement, "Serial No. 384, Guaranteed by the Garfield Tea Co. under the Food and Drugs Act, June 30, 1906", borne on the packages, were false and misleading in that they represented that the article conformed to the requirements of the Federal Food and Drugs Act; whereas it did not conform to the requirements of the Federal Food and Drugs Act. Misbranding of Dr. Hobson's Whooping Cough Syrup and Lee's Creo-Lyptus was alleged for the further reason that the statements, "Chloroform 2 Minims in each fluidounce", borne on the cartons and bottle label of the former, and the statement "Chloroform 3 Mi. to oz." borne on the bottle label of the latter, were false and misleading since Dr. Hobson's Whooping Cough Syrup contained not more than 1.02 minims of chloroform per fluid ounce and Lee's Creo-Lyptus contained not more than 0.03 minims of chloroform per fluid ounce. Misbranding of Dr. Hobson's Whooping Cough Syrup and Lee's Creo-Lyptus was alleged for the further reason that they contained chloroform and the labels on the packages fail to bear a statement of the quantity or proportion of chloroform contained therein.

On September 27, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$400.

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

25099. Adulteration and misbranding of special preparations of colchicum, hyoscyamus, and nux vomica, respectively. U. S. v. Chicago Pharmacal Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 34041. Sample nos. 3060-B, 3061-B, 3062-B.)

This case was based on interstate shipments of drugs described as special preparations of colchicum and nux vomica, respectively, which were below the strength declared on the labels, and a lot of special preparation of hyoscyamus, which was above the strength declared.

On July 26, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chicago Pharmacal Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about July 13, 1934, from the State of Illinois into the State of Ohio, of quantities of drugs which were adulterated and misbranded. The articles were labeled in part: "Chicago Pharmacal Company's Special Preparation Colchicum [or "Hyoscyamus" or "Nux Vomica"] Alcohol—45% Each ounce represents 218 grains of drug. This preparation is about five times the strength of the U. S. P. tincture. * * * Chicago Pharmacal Company, Chicago."

Adulteration of the special preparations of colchicum and nux vomica was alleged for the reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold in that each