

eases caused by constipation; effective as a preventive of disease; and that the eating of said article was the effective way back to health.

On March 25, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$270 and costs.

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

24503. Alleged adulteration and misbranding of Brewster's Germ Destroyer and Brewster's G. D., formerly called Germ Destroyer; and alleged misbranding of Brewster's Throat Wash, Brewster's Throat-Eaz and Brewster's Liver Tonic. U. S. v. Jefferson Reese Brewster (Brewster Laboratories). Tried to a jury. Verdict of not guilty. (F. & D. no. 30288. I. S. nos. 17084, 18331 Sample no. 13441-A.)

On December 19, 1933, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jefferson Reese Brewster, trading as the Brewster Laboratories, Nashville, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 22, February 18, and September 12, 1932, from the State of Tennessee into the States of Alabama and Kentucky of quantities of Brewster's Germ Destroyer, Brewster's G. D., Brewster's Throat Wash, Brewster's Throat-Eaz, and Brewster's Liver Tonic, charging adulteration and misbranding of the products as hereinafter set forth.

Analyses showed that Brewster's Germ Destroyer and Brewster's G. D. consisted essentially of light petroleum oil, a saponifiable oil and a small proportion of turpentine oil; the samples tested by this Department did not destroy germs. Analyses of the remaining products showed that the Throat Wash consisted essentially of a fixed oil, light petroleum oil, a small proportion of turpentine oil and a trace of ferric chloride; that the Throat-Eaz consisted essentially of light petroleum oil, a fixed oil, a small proportion of turpentine, and a trace of potassium iodide; and that the Liver Tonic consisted essentially of a fixed oil and light petroleum oil.

The information alleged that the Germ Destroyer and the G. D. were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that the former was represented to be a germ destroyer and the latter was represented to be a germ destroyer and practical germicide; whereas they were not as represented.

Misbranding of the Germ Destroyer and G. D. was alleged in that the statement "Germ Destroyer" with respect to the former and the statements, "G. D. Formerly called Germ Destroyer" and "Recommended as a Practical Germicide" with respect to the latter, borne on the labels, were false and misleading.

Misbranding was alleged with respect to all products in that certain statements in the labeling falsely and fraudulently represented that the Germ Destroyer was effective as a treatment for tuberculosis of the lungs, tuberculosis of the bones, and asthma; that the G. D. (one shipment) was a treatment, remedy, and cure for tuberculosis of the lungs, as a preventive of tuberculosis; as a treatment for cancer, tuberculosis of the bone or any kind of sore on the body, as a treatment, remedy and cure for asthma and as a relief for pain anywhere about the body; that the Throat Wash was effective as a treatment for tonsillitis, chronic throat trouble and other throat troubles; that the Throat-Eaz was effective as a treatment, remedy and cure for coughs and croup, as a relief for coughing spells and to quiet the nerves, and effective to regulate periods in women; and that the Liver Tonic was effective as a liver tonic, as a treatment for nervous indigestion, as effective to keep the blood circulating, the stomach in good condition and the appetite good, as effective as a preventive of tuberculosis, as effective when taken in connection with Brewster's G. D. as a preventive of tuberculosis, and as effective to assist nature in carrying off the germs as they are destroyed.

On October 6, 1934, the case having come on for trial before a jury, a verdict of not guilty was entered.

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

24504. Misbranding of Bio Prepared Salt. U. S. v. Dr. William C. Yergin (The Temple Salatorium Co.). Plea of guilty. Fine, \$1 and costs. (F. & D. no. 30336. Sample nos. 2878-A, 24627-A, 35099-A.)

This case was based on interstate shipments of a product sold as a drug, the labeling of which contained unwarranted curative and therapeutic claims.

On May 22, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the dis-