

it was not a health food and did not conform to all the requirements of the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 26, 1934, all defendants entered pleas of guilty, and the court imposed fines in the total amount of \$150.

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

24042. Misbranding of Petrolene White Petroleum Jelly. U. S. v. 6,888 Jars of Petrolene White Petroleum Jelly. Default decree of condemnation and destruction. (F. & D. no. 31963. Sample no. 67116-A.)

This case involved an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, and because the jars contained less than declared on the label.

On February 13, 1934, 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 a libel praying seizure and condemnation of 6,888 jars of Petrolene White Petroleum Jelly at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 9, 1933, by the Western Petroleum Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Penn City Oil Company, Philadelphia, Pennsylvania."

Analysis showed that the article consisted of white petrolatum.

The article was alleged to be misbranded in that the statement on the label, "Net 2 Ounces", was false and misleading, since the weight of the contents of the jar was less than 2 ounces each. Misbranding was alleged for the further reason that the following statements on the jar label were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "Remedy for * * * wounds * * * skin diseases, hemorrhoids * * * etc. Taken internally will relieve cough * * * sore throat, etc."

On January 16, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24043. Misbranding of Walker's Old Indian Health Tonic. U. S. v. 288 Bottles of Walker's Old Indian Health Tonic. Default decree of condemnation and destruction. (F. & D. no. 32000. Sample no. 50774-A.)

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

On February 19, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended April 4, 1934), praying seizure and condemnation of 288 bottles of Walker's Old Indian Health Tonic at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about February 6 and February 16, 1934, by the Walker Co., from Atlanta, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis by this Department showed that the article consisted essentially of magnesium sulphate, ferric chloride, and quinine sulphate, dissolved in water.

The article was alleged to be misbranded in that the following statements on the bottle labels, regarding its curative and therapeutic effects, were false and fraudulent: "Health * * * The Unfailing Remedy for Laziness and a Drowsy, Tired, Sleepy Feeling. Relieves Indigestion, * * * Biliousness * * * Dizziness, Sick Headache, Numbness or Chills, Kidney or Bladder Troubles, * * * Piles, Jaundice, Dropsy, Loss of Appetite, Weakness, Tired Feeling, Stimulates and Purifies the Blood. Directions for Taking: Adults should take a tablespoonful in a little water, every two hours until it acts well on the bowels, then continue taking it three times a day, before meals. Should it act too freely, reduce the dose. Children in proportion to age."

On June 5, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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