

Misbranding was alleged for the further reason that the statements, "Manganese 1/120 Grains" and "Copper 1/200 Grains" contained in the circular, were false and misleading since 3 teaspoonfuls of the article contained less than one one-hundredth and twentieth of a grain of manganese and less than one two-hundredth of a grain of copper, namely, not more than one one-thousandth of a grain each of manganese and copper.

On December 6, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

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

24055. Misbranding of PX. U. S. v. PX Products Co. and Luther D. Thomas. Pleas of guilty. Fine, \$200. (F. & D. no. 32901. Sample nos. 56012-A to 56017-A, incl.)

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

On January 15, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the PX Products Co., a corporation, and Luther D. Thomas, Detroit, Mich., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 15, 1933, from the State of Michigan into the State of Illinois of quantities of PX which was misbranded.

Analysis showed that the article consisted essentially of zinc, sodium and aluminum chlorides and sulphates, and borax dissolved in water.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the bottle label and carton and in a circular and leaflet accompanying the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for leucorrhoea, skin affections, eczema, pimples, rashes, boils, pus-exuding sores (infections), infection, sores, certain other skin affections, acne, discharging sores, sore throat, tonsillitis, pyorrhoea, and trench mouth; effective as a preventive of infection; effective to give immediate benefit in average cases, and as a prompt corrective in stubborn cases; and effective as a treatment, remedy, and cure for any skin infection.

On February 16, 1935, the PX Products Co., by Luther D. Thomas, and Luther D. Thomas entered pleas of guilty and the court imposed a fine against the PX Products Co., of \$200.

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

24056. Adulteration and misbranding of Kal. U. S. v. The Makers of Kal, Inc., and Bernard Ackerman. Plea of nolo contendere on behalf of the corporation. Plea of guilty on behalf of Bernard Ackerman. Fines, \$153. (F. & D. no. 32909. Sample no. 43026-A.)

This case was based on an interstate shipment of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims. The article was essentially a drug, but was falsely represented to be a food, and contained smaller proportions of certain ingredients than declared on the label.

On November 6, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against The Makers of Kal, Inc., and Bernard Ackerman, Los Angeles, Calif., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about May 18, 1933, from the State of California into the State of New York of a quantity of Kal which was adulterated and misbranded.

Analysis showed that the article consisted of a mixture of powdered grains including rice, and calcium phosphate.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain 6.68 percent of calcium and 4.59 percent of phosphorus; whereas it contained not more than 3.9 percent of calcium, and not more than 3.66 percent of phosphorus.

Misbranding was alleged for the reason that the statements, "Kal The Calcium Phosphorus Diet * * * Certified Mineral Analysis * * * Calcium 6.68% * * * Phosphorus 4.59%", borne on the packages, and the statement, "Kal; it is a food, not a drug, not a medicine or a stimulant", appearing in the circular shipped with the article, were false and misleading, since the article contained less than 6.68 percent of calcium, less than 4.59 percent of