

more severe, take double the regular dose every two hours. Let Kohler One Night Cough Syrup Trickle down the throat as slowly as possible. Where the cough is constant and harassing, repeat the regular dose at short intervals until the phlegm is loosened and thrown off. Keep the body warm and in as even a temperature as possible. Keep the feet warm and dry. Keep the bowels open by taking a gentle purgative."

On September 7, 1934, no claimant having appeared, judgment was entered finding that the statements in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, and ordering that the products be condemned and destroyed.

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

24064. Misbranding of Dr. Browns Food Lax. U. S. v. 124 Packages and 59 Packages of Dr. Browns Food Lax. Default decree of condemnation and destruction. (F. & D. no. 33046. Sample nos. 67597-A, 67598-A.)

This case involved a product which was misbranded because of unwarranted curative and therapeutic claims appearing in the labeling, and because it was a drug and was represented to be a food.

On July 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 small packages and 59 large packages of Dr. Browns Food Lax at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about January 30, 1934, by the Nostane Products Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of agar agar and the seeds of several species of plantago.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading, since the article was not a food: "Food Lax", "Accessory Food", "food laxative", and "is * * * not a medicine." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) " * * * for Bowel Regulation * * *"; (circular) "New Energy and Health * * * for Bowel Regulation * * * Peplless-No Appetite-Dull Headaches It's Nature's Warning of Constipation Correct it Now! * * * rid yourself of Constipation—and stay rid of it. You think you're not the least bit affected—you say that you're 'regular' as can be—but physicians will tell you that it is only too easy to deceive yourself in this respect and stay doped with poisons. Many of our users, who have suffered from habitual constipation and the many other ailments resulting from this condition, were simply amazed in the improvement of their health and increased vitality as a result of taking Food Lax regularly. * * * The specially processed Dextrine supplies a favorable media for the return of essential germ life in the intestines. This favorable germ life helps to combat the inroads of Constipation and its allied conditions. * * * thus your whole intestinal tract is 'toned up'—purified. Poison forming matter no longer remains, to stagnate and contaminate our blood, and when this occurs, digestion improves. 'Pep' returns. * * * It is a necessary * * * bowel regulator * * * Acts as a food * * * The foremost physicians of the world suspect that fully 75 per cent of all ailments are caused by intestinal poisons, producing auto-intoxication. * * * More than 95 per cent of people suffer from auto-intoxication caused by delayed stool conditions. Consider the following list of ailments that are usually due to auto-intoxication or allied with constipation: Indigestion, inactive liver, gas in bowels or stomach, pains after eating, backaches, rheumatism, catarrh, headaches, dropsy, heart-burn, heart palpitation, confusion or dullness of the mind, sexual weakness, fistula, hemorrhoids, feverish sensations, weak joints, obesity, thinness, deafness due to catarrh, gall stones, colitis, boils, pimples and other skin disorders, eye-strain, irritability, neuralgia, nervousness, neurasthenia, insomnia, prostatitis, pruritis, and general debility. From the foregoing statements of facts the dangers of unrelieved Constipation can readily be seen. If you suffer from any of the conditions stated above and which can be attributed to Constipation or a sluggish bowel start aright by taking Dr. Browns Food Lax conscientiously."

On November 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.*