

fraudulent: "Enteritis Powder * * * for the treatment of intestinal inflammation in chickens * * * in severe cases two to three successive treatments."

On October 11, 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.*

24080. Misbranding of Dr. Michael's C. P. Tablets. U. S. v. 72 Large Packages and 70 Small Packages of Dr. Michael's C. P. Tablets. Default decree of condemnation and destruction. (F. & D. no. 33399. Sample no. 216-B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, and which was further misbranded because the labeling stated that it did not affect the heart, analysis having shown that it contained ingredients which might affect the heart. The labels of the small packages failed to declare the acetanilid present in the article, since the statement was made inconspicuously on the side panel.

On September 8, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 large packages and 70 small packages of Dr. Michael's C. P. Tablets at Denver, Colo., consigned by the C. P. Co., from Frankfort, Ind., and alleging that the article had been shipped in interstate commerce on or about March 28, 1934, from the State of Indiana into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing acetanilid (2.8 grains per tablet), caffeine (0.3 grain per tablet), sodium bicarbonate, and celery seed.

The article was alleged to be misbranded in that the statement on the label "Does Not Affect the Heart" was false and misleading. Misbranding of the product in the small packages was alleged for the further reason that the label failed to bear a statement of the quantity or proportion of acetanilid contained in the article, since the declaration made appeared inconspicuously on the side panel. Misbranding of the product in both sized packages was alleged for the further reason that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Carton, large size) "Rheumatic Fever Pains * * * A Quick and Efficient Emergency Remedy for the relief of Pain, Aches and Painful Menstruation. * * * Directions: Take one tablet. If not relieved in twenty minutes take another tablet, repeating the dose every four to six hours if necessary"; (carton, small size) "Rheumatic Fever Pains * * * quiets the Nerves, tones the Stomach, increases Digestion. For the Quick Relief of Pain, Fever * * * Rheumatism, and Menstrual Cramps. * * * For Permanent Relief take 1 tablet before each meal"; (display cartons) "Increases Digestion, Tones the Stomach, Quiets the Nerves, * * * Rheumatism, Lumbago * * * Fever, Painful Menstruation, LaGrippe and All General Aches and Pains."

On November 9, 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.*

24081. Misbranding of Hemo-Liver. U. S. v. 34 Bottles and 191 Bottles of Hemo-Liver. Default decrees of destruction. (F. & D. nos. 33426, 33683. Sample nos. 64749-A, 14817-B.)

These cases involved a product, the labeling of which contained unwarranted curative and therapeutic claims.

On September 12, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 bottles of Hemo-Liver at Chicago, Ill. On October 15, 1934, a libel was filed against 191 bottles of Hemo-Liver at Pittsburgh, Pa. The libel filed in the Western District of Pennsylvania charged that 191 bottles of Hemo-Liver had been shipped in interstate commerce on or about January 16 and February 19, 1930, by the Hemo-liver Products Co., from Hoboken, N. J., to the Sun Drug Co., Pittsburgh, Pa. The libel filed in the Northern District of Illinois charged that 34 bottles of Hemo-Liver had been shipped in interstate commerce on or about June 15, 1934, by the Sun Drug Co., from Pittsburgh, Pa., to Chicago, Ill. The article was charged in both libels to be misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample taken from the lot at Pittsburgh, Pa., showed that it consisted essentially of liver extract, a phosphate, sodium glycerophosphate, alcohol, and water.

The article was alleged to be misbranded in that the following statements and design regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Wholesale carton) "The Great Scientific Tonic"; (retail carton of individual bottles) Design indicating the color of the blood containing varying degrees of hemoglobin, which implies that by taking this article the blood will return from 20% to a normal hemoglobin content"; (carton label) "Containing * * * restoratives * * * for Anemia, General Weakness, Lowered Vitality, In Convalescence And In Various Forms Of Debility * * * Anemia is a condition in which the blood is thin. There may be too few red blood cells or the cells may be undernourished and pale. The chart above indicates the difference between the thin watery blood of the anemic and the rich red blood of the normal person and this difference is reflected in the degree of health enjoyed by each. Lack of nerve force, loss of weight and strength, lack of color, nervousness, listlessness, an inclination to tire easily, etc. are among the symptoms. * * * The average sickly, anemic person, however, finds it difficult to adhere to a liver diet for a period sufficiently long to bring about the desired benefit. Hemo-Liver overcomes this objection. It furnishes important blood-regenerating elements of choice beef livers extracted by vacuo, a process which preserves their content. It is pleasant to the taste and may be taken in frequent doses and for indefinitely continued periods of time. Hemo-Liver also contains glycerophosphates for the nerves and is unusually rich in vitamins"; (bottle label) "* * * containing * * * restoratives * * * for anemia, general weakness, lowered vitality, in convalescence and in various forms of debility. A scientific preparation for the red blood cells. Recommended by the Medical Profession"; (circular) "* * * containing * * * restoratives * * * for anemia, general weakness, lowered vitality, in convalescence and in various forms of debility, Concerning Hemo-Liver * * * Recommended For * * * Hemo-Liver is a scientific nutrient or food for the blood compounded to regenerate and increase the number of red blood cells lessened or destroyed by illness or by forcing the body beyond its strength. * * * and digestants * * * In addition to its potency in increasing hemoglobin, Hemo-Liver is recommended to strengthen the nerves, rebuild energy and act as a health-giving reconstructive tonic in generally weakened, rundown anemic conditions. * * * furnishing vital elements which would best regenerate thin weak blood (anemia) * * * restoring the blood to a rich, healthy condition. * * * using liver freely in the diets of patients suffering from anemia, or rundown conditions both in adults and children with unusual success. * * * In one series of tests conducted, the blood count of the cases before being placed on a liver diet averaged 900,000. Within one month with the use of the liver diet the red blood cells increased to double this quantity. By the end of two months there were over 4,000,000, and at the end of three months the average for this series was 4,500,000 red blood cells—five times more than the 900,000 blood count from which level the feeding started. In this series were a number of anemic patients who had failed to gain satisfactorily in red blood count even after repeated transfusions—but who reacted rapidly to the liver diet. * * * glycerophosphates which are especially recommended for building up nerve force; and digestants to promote digestion. In addition Hemo-Liver is particularly rich in health-promoting, and strength-creating vitamins. What Anemia Is and Some of Its Symptoms Anemia (poverty of the blood) makes itself known in many ways. A large number of people who no longer are able to pursue their normal activity with ease, who feel tired out at the slightest exertion, may be anemic in more or less degree. Underdevelopment, lack of energy and ambition, weakness, loss of appetite or a generally rundown state are oftentimes signs of this condition. * * * Hemo-Liver helps to promote natural regeneration of the blood. * * * Those Who Need Hemo-Liver Weak, Anemic Girls between 13 and 18 find in Hemo-Liver a valuable ally in helping them over the strain of this period into healthy womanhood. Thin-Blooded Nervous Men enervated by the rush and speed of modern life have in Hemo-Liver a splendid means of rebuilding natural forces and steadying the nerves. Exhaustion and Overwork As an immediate restorative for a person temporarily exhausted Hemo-Liver is ideal. Frail Underweight Growing Boys and Girls particularly those who seem to grow faster than their strength are specially benefitted by Hemo-Liver. Just a few days' use will

produce a marked improvement in their appetite and the general tone of their health. Feeble, Ailing Older Folks whose blood has thinned out and is flowing sluggishly thru their veins are invariably in need of some tonic and for them Hemo-Liver is an excellent restorative. Women Suffering from Irregularities or Painful Menstruation frequently get relief from their trouble by taking Hemo-Liver to promote a good normal quality and quantity of blood."

On October 8, 1934, and January 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

24082. Misbranding of Dee-Em Capsules. U. S. v. 36 Packages of Dee-Em Capsules. Default decree of condemnation and destruction. (F. & D. no. 33427. Sample no. 208-B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, because of failure to declare on the label the presence of acetphenetidin, a derivative of acetanilid, and because it was labeled as being safe and as deriving its active principle from ephedrine sulphate, analysis having shown that it contained ingredients which might be harmful, and that the physiological effects were not solely, nor even predominantly, those of ephedrine sulphate.

On September 14, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 packages of Dee-Em Capsules at Denver, Colo., consigned by the Dee-Em Laboratories, New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1934, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of acetphenetidin (a derivative of acetanilid, 1.1 grains), acetylsalicylic acid (1.8 grains), phenolphthalein (0.26 grain), and ephedrine sulphate (0.05 grain per capsule).

The article was alleged to be misbranded in that the statements on the bottle label, "safe treatment", and in the circular, "safe * * * preparation", were false and misleading since it contained ingredients which might be harmful. Misbranding was alleged for the further reason that the statement in the circular, "Ephedrine * * * In the form of a sulphate is the active principle of Dee-Em Cold Capsules", was false and misleading since the physiological effects of the article were not solely nor even predominantly those of ephedrine sulphate. Misbranding was alleged for the further reason that the label failed to bear a statement of the quantity or proportion of acetphenetidin, a derivative of acetanilid, contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Label) "For Respiratory Affections * * * for the relief of * * * Influenza (Grippe), Bronchial Coughs, Asthma, Hay Fever and Nasal disorders. * * * For Ordinary Coughs"; (circular) "Clinically proven remedy for the treatment of Febrile Respiratory Affections * * * Indicated in * * * Influenza (Grippe)-Rhinitis-Asthma-Hay Fever—as well as certain types of * * * Nasal Disorders. * * * Give prompt relief in the treatment of * * * Influenza (Grippe) and the Bronchial Coughs * * * For ordinary coughs."

On November 9, 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.*

24083. Misbranding of Fumoil, Egg a Day, and Egg o Day. U. S. v. 5 Cans of Fumoil and 11 Packages of Egg a Day, et al. Default decrees of condemnation and destruction. (F. & D. nos. 33453, 33454. Sample nos. 41472-A, 41473-A.)

These cases involved drug preparations which were misbranded because of unwarranted curative and therapeutic claims appearing in the labeling.

On September 28, 1934, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 5 cans of Fumoil and 37 packages of Egg a Day and Egg o Day at Mitchell, S. Dak., alleging that the articles had been shipped in interstate commerce on or about February 10, 1934, by the Standard Chemical Manufacturing Co., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.